The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

SENATE JOURNAL

OF THE

SECOND SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

STATE OF MONTANA.

Begun at Helena, the Capital of said State, on the 5th day of January, A. D. 1891, and concluded on the 5th day of March, A. D. 1891.

PUBLISHED BY AUTHORITY.

JOURNAL PUBLISHING CO.
PUBLIC PRINTERS AND BINDERS.
HELENA, MONTANA.
1891.

Officers and Members of the Second Legislative Assembly.

GOVERNOR..............................JOSEPH K. TOOLE

LIEUT. GOV. AND PRES. OF SENATE...JOHN E. RICKARDS

MEMBERS OF THE SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA.

SENATE.

NAMES OF MEMBERS.	Counties Represented.	Senatorial Districts Represented.	Postoffice.
* Lawrence A. Brown	Beaverhead	1	Dillon.
† Simeon R. Buford	Madison	2	Virginia City.
* Charles W. Hoffman	Gallatin	3	Timberline.
† Edward Cardwell	Jefferson	4	Cold Springs.
* Wm. M. Thornton	Deer Lodge	5	Anaconda.
† Elmer D. Matts	Missoula	6	Missoula.
* Cornelius Hedges	Lewis and Clarke	7	Helena.
† John W. Power	Choteau	8	Fort Benton.
* Wm. Parberry	Meagher	9	White Sulph Sp'gs.
† D. J Hennessy	Silver Bow	10	Butte City.
* R. G. Redd.	Custer	11	Miles City.
† O. F. Goddard	Yellowstone	12	Billings.
* W. S. Becker	Dawson	13	Glendive.
† Chas. W. Bayliss	Fergus	14	Ubet
Jas. S. Thompson	Park	15	Livingston.
† Paris Gibson	Cascade	16	Great Falls.

* Term expires one day after election in November, 1892.

† Term expires one day after election in November, 1894.

Lawrence A. Brown, resigned.

SUBORDINATE OFFICERS.

John J. Fallon	Secretary.
David Marks	Assistant Secretary.
Daniel Searles	Enrolling Clerk.
H. Rosenzweig	Engrossing Clerk.
Miles Finlan	Sergeant-at-Arms.
Rev. D. B. Brice	Chaplain.
Eugene Dickinson and Henry Buford	Pages.

FIRST DAY.

SENATE CHAMBER,
HELENA, MONTANA, JANUARY 5, 1891.

Pursuant to the law, the Senate of the Second Session of the Legislative Assembly of the State of Montana, was called to order by Lieutenant Governor J. E. Rickards.

Secretary of State Rotwitt called the roll and the following members-elect responded:

Beaverhead County, Lawrence A. Brown.
Cascade County, Paris Gibson.
Choteau County, John W. Power.
Custer County, R. G. Redd.
Dawson County, W. S. Becker.
Deer Lodge County, Wm. M. Thornton.
Gallatin County, Chas. W. Hoffman.
Fergus County, Chas. W. Bayliss.
Jefferson County, Edwin Cardwell.
Lewis and Clarke County, Cornelius Hedges.
Madison County, Simeon R. Buford.
Missoula County, Elmer D. Matts.
Meagher County, Wm. Parberry.
Park County, Jas. S. Thompson.
Silver Bow County, D. J. Hennessy.
Yellowstone County, O. F. Goddard.

On motion of Senator Thornton, Senator W. S. Becker was elected Secretary *pro tem.*

On motion of Senator Thornton, Mr. R. A. Luke a Notary Public appeared within the bar of the Senate and administered the following oath to the newly elected members of the Senate.

STATE OF MONTANA, }
LEWIS AND CLARKE COUNTY. } ss.

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity; and that I have not paid or contributed, or promised to contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; and that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law. So help me God."

Witness my hand and seal this fifth day of January, A. D. 1891.

[SIGNED,]
DAVID J. HENNESSY,
ELMER D. MATTS,
O. F. GODDARD,
J. W. POWER,
PARIS GIBSON,
ED. CARDWELL,
C. W. BAYLISS,
S. R. BUFORD.

Subscribed and sworn to before me this fifth day of January, A. D. 1891.

ROBERT A. LUKE,
Notary Public, Lewis and Clarke County, State of Montana.

On motion of Senator Hennessy the following resolution was adopted:

Resolved, That the officers of the Senate be as follows, and that we now proceed to the election of the same.

President *pro tem*.
Secretary.
Assistant Secretary.
Sergeant-at-Arms.
Door Keeper.
Two Messengers.
Night Watchman.
Chaplain.
Enrolling Clerk.
Engrossing Clerk.

President of the Senate then declared that the nominations for the office of President *pro tem* of the Senate were now in order.

Senator Hennessy, of Silver Bow, nominated Senator Thornton, of Deer Lodge county; Senator Goddard, of Yellowstone, nominated Senator Hedges, of Lewis and Clarke county.

The President appointed Senators Hedges and Hennessy as tellers.

The ballot was ordered, Senator Thornton receiving ten votes, Senator Hedges receiving six votes, the President thereupon declared Senator Thornton as being duly elected Presiden *pro tem* of the present session of the Senate.

Nominations for Secretary being now in order, Senator Hennessy, of Silver Bow, placed in nomination the name of John J. Fallon, of Lewis and Clarke County, and Senator Goddard placed in nomination B. F. Hoopes, of Park County, a ballot being had, Mr. Fallon receiving ten votes, Mr. Hoopes receiving six votes, whereupon the President declared Mr. Fallon duly elected.

For the office of Assistant Secretary Senator Hennessy, of Silver Bow, placed in nomination the name of Mr. David Marks, of Lewis and Clarke County, there being no other nominations, the Secretary was instructed to cast the vote of the Senate for Mr. Marks, whereupon the President declared him duly elected.

For the office of Sergeant-at-arms, Senator Hennessy, of Silver Bow, placed in nomination Miles Finlan, of Silver Bow County, there being no other nominations, the Secretary was instructed to cast the vote of the Senate for Mr. Finlau and he was declared by the President duly elected.

For the office of Door Keeper, Senator Hennessy placed in nomination G. I. Bosworth, of Dawson County, and Senator Goddard placed in nomination J. R. King, of Yellowstone County, a ballot being had resulted in Mr. Bosworth receiving ten votes and Mr. King six votes, whereupon the President declared Mr. Bosworth duly elected.

For the office of Page Senator Hennessy placed in nomination the name of Eugene Dickerson and Senator Goddard the name of Grant Groshon, Dickerson received 10 votes and Groshon 6, votes whereupon the President declared Dickerson duly elected.

For the office of second Page, Senator Hennessy placed in nomination Master Henry Buford of Madison County and Senator Hedges placed in momination the name of Clyde Morrison, of Lewis and Clarke County, ballot resulted in Master Buford receiving 10 votes and Morrison 6 votes, whereupon the President declared Buford duly elected.

For Nightwatchman A. G. Green was placed in nomination by Senator Hennessy and J. W. Shannon by Senator Brown, ballot resulted in Green receiving 10 votes Shannon 5 and Jackson 1, whereupon the President declared Green duly elected.

For Chaplain, Senator Hennessy placed in nomination Rev. D. B. Price of Lewis and Clarke County and Senator Hedges the name of Rev. W. J. Hunter of Lewis and Clarke County, Rev. Price received 10 votes and Rev. Hunter 6 votes, whereupon the President declared Rev. Price duly elected.

For Enrolling Clerk, Senator Hennessy placed in nomination the name of Daniel Searles of Choteau County, there being no other nominations the Secretary was instructed to cast the vote of the Senate for Mr. Searles, whereupon the President declared him duly elected.

For Engrossing Clerk, Senator Hennessy placed in nomination H. Rosenzweig of Missoula County, and Senator Goddard placed in nomination Miss Hattie Southmayd, ballot resulted in Mr. Rosenzweig receiving 9 votes and Miss Southmayd 7 votes, whereupon the President declared Mr. Rosenzweig duly elected.

On motion of Senator Thornton, the following subordinate officers appeared and took the oath of office which was administered by Mr. C. B. Nolan, a Notary Public, whereupon they assumed their respective duties.

John J. Fallon, Secretary.
David Marks, Assistant Secretary.
Miles Finlan, Sergeant-at-arms.
Eugene Dickerson, Page.
Henry Buford, Page.
A. G. Green, Nightwatchman.
Rev. D. B. Price, Chaplain.
Daniel Searles, Enrolling Clerk.
H. Rosenzweig, Engrossing Clerk.

On motion of Senator Thornton the following resolution was adopted:

Resolved, That a committee consisting of Senators Redd, Becker and Gibson be appointed to notifiy the House of Representatives that the Senate is organized and ready to proceed with the business of the session, and that the following officers have been duly elected and taken the oath of office:

W. M. Thornton, President protine.
Jno. J. Fallon, Secretary:
David Marks, Assistant Secretary.
Miles Finlan, Sergeant-at-arms.
G. E. Bosworth, Door Keeper.
Eugene Dickerson, Page.
Henry Buford, Page.
A. G. Green, Night Watchman.
Rev. D. B. Price, Chaplain.
Daniel Searles, Enrolling Clerk.
H. Rosenzweig, Engrossing Clerk.

A committee from the House of Representatives consisting of Wm. Wallace Jr., H. L. Frank and Patrick Carney appeared within the bar of the Senate and presented the following, which was received and upon motion the secretary was ordered to record the same upon the Record of the Senate.

HALL OF THE HOUSE OF REPRESENTATIVES, OF
THE LEGISLATIVE ASSEMBLY, OF
THE STATE OF MONTANA,
AT THE CAPITAL, HELENA, MONTANA,
JANUARY, 5, 1891.

To the Hon. the Senate of the Legislative Assembly, of the State of Montana:

The undersigned, a Committee of the House of Representatives, of the Legislative Assembly, of the State of Montana, have been instructed to announce to your honorable body that the said House of Representatives is duly organized and ready to proceed to business, and the following officers have been duly elected and qualified?

Speaker, H. R. Comly.
Sergeant-at-Arms, C. F. Reardon.
Assistant Sergeant-at-Arms, Eugene Shortsleeves.
Chief Clerk, Chas. Z. Pond.
Assistant Clerk, Wm. F. Shanley.
Engrossing Clerk, John Kay.
Enrolling Clerk, Henry Teuten.
Doorkeeper, J. M. Woodside.
Day Watchman, A. Mayhew.
Night Watchman, E. T. Owens.
Pages, Alex. Goodman, Felix Ryan.

Respectfully,

W. WALLACE, JR.,
A. L. FRANK,
PATRICK CARNEY.
Committee.

Senator Thornton presented the following resolution and moved its adoption.

Resolved, That a committee consisting of Senators Matts and Hoffman constitute a joint committee with the House to notify the Governor that both houses are organized and ready to receive any communication His Excellency may see fit to make.

Senator Goddard offered the following amendment to the resolution offered by Senator Thornton:

To amend said resolution by substituting in the places of the names inserted in said resolution the following:

"That the President appoint a committee consisting of three senators."

The amendment of Senator Goddard was lost.

The resolution offered by Senator Thornton was carried.

On motion of Senator Buford the Senate took a recess until 3 P. M.

3 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

Senator Thompson presented a communication signed by W. H. Norton and R. H. Howey.

On motion of Senator Hennessy the Senate refused to accept the communication and the Secretary was ordered not to record the same on the Journal.

The following communication was received and on motion the Secretary was ordered to record the same on the Journal.

HOUSE OF REPESENTATIVES, OF
THE STATE OF MONTANA.

To the Senate of the Legislative Assembly of Montana:

I have the honor to inform your honorable body that a committee of two, consisting of Mr. H. L. Frank and C. K. Hardenbrook, have been appointed as a committee of the House to act in conjunction with committee of the senate to inform the

Governor that the Legislative Assembly of the State of Montana is duly organized and ready to proceed to business, and to receive any communication His Excellency may see fit to make.

CHAS. Z. POND,
Chief Clerk House of Representatives.

The following report was received, and on motion of Senator Thornton the same was accepted and committee discharged.

Mr. President:

We your committee, appointed by the Senate to act in conjunction with a like committee of the House to wait upon the Governor and inform him that both branches of the Legislative Assmbly had been organized and were ready to receive any communications that he may see fit to make, beg leave to report that we have performed the duty assigned to us, and that His Excellency informed us that he would communicate with both branches of the Legislative Assembly on to-morrow.

C. W. HOFFMAN,
E. D. MATTS.

On Motion of Senator Thornton the Senate adjourned until 10:30 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

SECOND DAY.

SENATE CHAMBER,
Helena, Montana, January 6th, 1891

Senate met pursuant to adjournment at 10:30 A. M.

Mr. President in the chair.

Roll call—Quorum present.

Prayer by the Chaplain.

Journal of first day read and approved.

On motion of Senator Matts, the following resolution was adopted:

Resolved, by the Senate, that the House of Representatives be respectfully invited to meet in the Senate Chamber jointly with the Senate at the hour of 11 A. M. of this day, for the purpose of receiving the message of the Governor.

Senator Cardwell presented the oath of G. I. Bosworth as Doorkeeper of the Senate and same was placed on file.

On motion of Senator Buford, the Senate took a recess of 10 minutes.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

The following communication was received:

Mr. President:

I have the honor to inform the Senate that the House has received and accepted its invitation to meet the Senate in joint convention at 11 A. M. of this day.

CHAS. Z. POND,
Chief Clerk.

Upon the request of the President *pro tem* Thornton took the chair.

The members of the House of Representatives appearing within the bar of the Senate, on motion of Senator Hennessy, the Senate and the House resolved themselves into joint convention. President *pro tem* Thornton, of the Senate, and Speaker Harry S. Comly, of the House of Representatives, presiding.

Secretary of Senate called the roll of Senate.

Quorum present.

Chief Clerk of the House called the roll of the House—Quorum present.

His Excellency, Governor Toole was then introduced, and delivered the following message:

The Governor's Message.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

Obedient to that provision of the constitution which requires me, at the beginning of each session, to give to the Legislative Assembly, information of the condition of the State and to make such recommendation as deemed expedient, I have the honor to submit for your consideration the following message:

The year which has just closed finds us in a flourishing condition. Mining, stock raising and agriculture, the three industries in which we are conspicuously successful, have made rapid strides in development. Great irrigating enterprises are on foot by which our fertile soil will be made to respond in a greatly increased measure. Our oft asserted claim for the capacity of our soil to produce the best and most prolific yield of wheat, oats and barley has been fully established and maintained.

Our great and diversified resources, by which we are self-supporting, have made us virtually independent of the financial stress which has lately oppressed with disastrous effects less favored communities.

A brief reference to official data furnished this office justifies the following comparative statement.

A year ago our total assessment was	$ 79,376,944
Now it is (see exhibit "A"	112,457,555
A year ago our mineral output was	24,012,000
Now it is	47,848,000
A year ago the number of horses, sheep and cattle in Montana was	1,881,268
Now it is	2,368,482
A year ago the number of bushels of wheat, oats and barley produced was	2,648,149
Now it is	4,111,907
A year ago the number of pounds of wool produced was	7,023,134
Now it is	7,784,007
A year ago the number of quartz mills and reduction furnaces operated was	188
Now it is	207
A year ago the number of bushels of coal mined was	907,500
Now it is (629,200) tons	17,612,000
A year ago the number of miles of completed railroad was	2,043
Now we have	2,365
A year ago we collected in revenue from all sources	$149,316 70
This year we collected	309,429 23
We have paid out since November 8, 1889	193,437 99
Unpaid claims against the state requiring appropriations (approximated)	167,819 95
Money in treasury December 31, 1890	187,181 49

A table showing net indebtedness of the several counties up to March 1, 1890, and increase or decrease for the year ending February 28, 1890, is hereto apppended marked "Exhibit B;" also a table showing the condition of the several funds and the amounts contributed to each by the several counties is marked "Exhibit C."

This remarkable march of progress, when augmented by federal legislation looking to the reclaimation of our arid lands and the increase of the circulating medium which will follow the free and unlimited coinage of silver, will reach a point far beyond the expectations of the most sanguine.

But our great resources and almost limitless possibilities should not tempt us into improvident expenditures of the people's money. Against this the Constitution stands as an insuperable barrier. Section 12 of Article 12, of the Constitution is important at the outset.

SEC. 12. No appropriation shall be made or any expenditures authorized by the Legislative Assembly whereby the expenditures of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the Legislative Assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rate allowed in Section nine (9) of this Article, to pay such appropriation of expenditures within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war. No appropriation of public moneys shall be made for a longer term than two years.

Considerable difficulty has at times been experienced in carrying on the necessary affairs of state which will be spoken of hereafter under appropriate headings. This has resulted from a want of the necessary legislation to put constitutional provisions into effect and to meet many new conditions which have arisen on account of the change from territorial to state governments, but upon the whole we have succeeded fairly well. The prospect for the future is inviting and the wholesome restraints of our constitution above referred to are safe guarantees against incurring indebtedness beyond our ability to pay.

STATE LEVY.

One of the first acts which you will be called upon to perform will be under Sec. 1, Art. 12, of the constitution requiring you to "levy a uniform rate of assessment and taxation." Sec. 9 of the same article is as follows:

Sec. 9. The rate of taxation of real and personal property for state purposes in any one year shall never exceed three (3) mills on each dollar of valuation; and whenever the taxable property in the state shall amount to one hundred million dollars ($100,000,000), the rate shall not exceed two and one-half mills on each dollar of valuation; and whenever the taxable property in the state shall amount to three hundred million dollars ($300,000,000), the rate shall never exceed one and one-half mills on each dollar of valuation; unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.

Our demands will require the largest levy permissible under the constitution, to-wit, two and one-half mills.

THE PENITENTIARY.

The penitentiary formerly belonging to and under control of the United States, has now become the property of the state. The same, with the lands connected therewith, were granted to the state by the act providing for our admission into the union. Under our territorial organization, the control and management of this institution was under the exclusive jurisdiction of the United States, with whom the territory contracted for the maintenance and support of its prisoners. In providing for the change from territorial to state government, no provision was made to cover the period between the date of admission and the time when the legislature should provide for the proper management of the same. Between that date, however, and the 1st day of March, 1890, the United States marshal remained in charge under the contract between the territory and the United States. On the latter date I found the United States no longer willing to continue in charge. With no appropriation available to maintain the institution and no law under which to act I was left to my own resources in the matter. I accordingly contracted with Mr. Frank Conley and Thomas McTague, of Deer Lodge city, Montana, for the care, custody and maintenance of the institution and inmates (subject to the ratification of the legislative assembly), at the rate of seventy cents per day capita for all over one hundred, and sixty-five cents per capita for all over two hundred.

The price paid the United States by the territory was 85 cents per capita. The performance of this contract was secured by a bond of $50,000. The contractors have, I believe, faithfully performed their part of the contract. They have trusted entirely to the good faith and ability of the state to reimburse them and I earnestly hope this may be done without delay, Independent of the value of improvements made by the contractors, for which reasonable compensation should be made, there is now due to them the sum of $44,901,90.

How shall the prison be managed in the future? Shall a warden be appointed and appropriations made direct to maintain it under state control and supervision, or will the contract system be continued? These are questions submitted to your sound judgment.

So far as the mere cost to the State is concerned, I am inclined to believe that the contract system, under such rules and regulations as the Board of Prison managers might make, would be more advantageous to the State. Whatever conclusion is reached in that connection it is absolutely necessary that considerable improvements should be made in the prison and the grounds.

The dictates of humanity and a decent regard for the health and possible reformation of the inmates demand more commodious quarters and such an arrangement that young offenders may not be compelled to be incarcerated with the chronic and more vicious criminals. The capacity of the penitentiary is about 140 men. Whole number confined January 1, 1891, 240. During the year past seventy-nine were released, two by pardon, seventy by expiration of sentence, two delivered for new trials and five by death. Of the number confined to December, 1890, the sex and color was as follows:

White males	217
White females	8
Colored males	6
Colored females	1
Indians	8
Chinese	7
Total	242

The crimes for which they were convicted embrace: Murder, robbery, attempted rape, assault with deadly weapon, assault to do bodily harm, assault to commit burglary, burglary, breaking jail, crime against nature, embezzlement, forgery, larceny, manslaughter, assault to commit murder, obtaining valuable papers under false pretenses, obtaining money under false pretenses, perjury, resisting officer, receiving stolen property, assault to commit robbery, sodomy, and the terms of punishment range from one year to life. Of the latter there are sixteen; 184 were citizens of the United States and fifty-eight were foreigners. Counties sent from:

Beaverhead	13
Cascade	12
Choteau	19
Custer	11
Deer Lodge	24
Dawson	2
Fergus	9
Gallatin	9
Jefferson	5
Lewis and Clarke	40
Madison	3
Meagher	5
Missoula	19
Park	17
Silver Bow	47
Yellowstone	7
Total	242

The first annual report of the contractors will be hereafter placed before you.

INSANE.

The insane of the State are supported under contract between the Territory of Montana and Doctors Mitchell and Mussigbrod, at Warm Springs, Deer Lodge County, Montana, at $8 per week, making an expense to the State of about $75,000 per annum. The number is increasing rapidly, the last report showing 290 patients maintained at public expense. The maintenance of the insane and the penitentiary will form the largest items of expense under our state government. The proper treatment of those unfortunates committed to the asylum at the least possible expense to the state, calls for the exercise of your best judgment. I am not prepared at this time to say that any new arrangement would be advantageous to the State, or to the person confined therein, but in view of the great and growing expense in that behalf, I urge the most thorough investigation of the subject, The contractors have received nothing from the State in payment under their contract since January 8, 1890. There is consequently due them the sum of $77,380.61. This looks like a great hardship to impose upon the contractors, who claim to be paying interest upon the amount in order to maintain the institution. The situation calls for prompt action. I invite attention to the annual report of the contractors in this connection which will be hereafter transmitted.

OTHER UNFORTUNATES SUPPORTED BY THE STATE.

The State is now supporting and educating five deaf and dumb children at public institutes. Three at Washington, D. C., one at Danville, Ky., and one at Baltimore, Md.; also one blind child at Nashville, Tenn. We also support five feeble-minded children; two of the latter are at Binghampton, N. Y., and three at Elwin, Pa. Each of the children is costing the state an average of $300 per annum, besides transportation going and returning.

Of this number two have been sent within the past year. Contracts for their keeping have been entered into for from one to six years, according to the age of the child. These facts are submitted in the hope that they may become the basis for intelligent consideration of the claims which these unfortunates have upon the State and humanity.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

I have already referred to the penitentiary at Deer Lodge. Aside from this there is no other public building belonging to the State except the armory at the State Capital. On the 22nd day of October, A. D. 1989, Hon. B. F. White, late governor of Montana Territory, on behalf of the Territory, entered into a contract with one A. McCarter for the erection of a State armory for the contract price of $13,300, besides such extra work as the contractors and architects may agree upon. The work was not completed at the time of the change from the territorial to the State government. Work, however, continued and the building was completed and is now occupied for the purpose intended. Its completion found us in debt to the contractors on account of balance due in the sum of $5,591.75.

There was no authority of law to pay it out of money in the State treasury. The demand for the building was as urgent as the demand by the contractor for his money. A number of the public-spirited gentlemen of the capital came to the rescue, endorsed the note of the State officers upon which the Cruse Savings Bank of Helena advanced the money to pay off the contractor. This note, with the interest is still due and will be brought to your attention in connection with other unpaid claims against the State.

In connection with the use of the building as an armory the same is occupied by several companies of the National guard of Montana under an arrangement by which each company is to pay an annual rental of $300 out of the money allowed by law to the several companies, but which in the absence of necessary legislation they have been unable to draw. The building has been insured in three companies for the sum of $15,000. There was no money available to pay this and the several agents of these companies are generously carrying the State for the premiums pending authority to pay the same. The companies of the National guard in Helena have, by their combined efforts, raised several hundred dollars which have been expended in necessary work to make the building inhabitable. Upon the whole I may add that public generosity has been taxed to the utmost to utilize the armory, all of which has been made necessary on account of a failure to properly provide by legislation for its completion and maintenance.

OTHER BUILDINGS.

Provision is made by Sec. 1, of Art. 10, of the Constitution, for the establishment and support by the State of educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, soldiers' home and such other institutions as the public good may require.

While the establishment of these institutions is made mandatory by the constitutton, no time is fixed when legislative action shall be taken. In view of the limitation placed by the constitution upon the public expenditure I hope, no effort will be made at this session to provide for the construction of such buildings. It would be wise, however, if the location of these institutions should be the subject of early consideration and settlement. The longer that is delayed the greater will be the struggle between aspiring sections of the State for recognition in that behalf, and pending such contention, the interests of good legislation may be subordinated if not wholly ignored. In this connection it is proper to call your attention to the fact that legislation will be required to give force to Sec. 2, Art. 10, of the Constitution, providing for the permanent location of the seat of government; the manner of submission, the manner of canvassing the votes and the details generally should be provided for.

STATE MILITIA.

Sec. 3, Art. 14, of the Constitution makes it incumbent upon the State to maintain the militia by appropriations from the State treasury. In view of this provision it becomes a question of great concern how to maintain this organization so as to preserve its efficiency in case of danger and at the same time reduce the expense to the minimum. All extraordinary and unnecessary expenses should be discontinued and eliminated from the law. It is obvious that with the many demands made npon the State treasury, consequent upon a change of government, the practice of the most rigid economy in every department is imperative. In appropriating money for this as well as all other institutions of the State, we must keep constantly in view that provision of the Constitution prohibiting the passage of an appropriation or the issuance of any warrant beyond the amount raised by taxation. In other words our Constitution was framed upon the principle of administering our affairs upon a cash basis, except when the proposition to raise a tax is submitted to the people at a general election. Our revenue will be insufficient to maintain a militia upon the scale provided in the present military code. It is claimed by many that one half of the number of companies properly disciplined and well provided for would be more serviceable and creditable to the State than the entire militia as now organized. It is also claimed that the annual encampment now provided for might be well abandoned without detriment to the service and a system of inspection instituted in lieu thereof.

These items alone would result in a saving of about $20,000 per annum.

Upon these questions there is a difference of opinion among the staff, regimental and other officers of the National guard, but all who have expressed an opinion agree that expenses should be reduced. I accordingly recommend an organization upon a less expensive plan until the resources of the State will justify a more comprehensive one. I think the governor should have authority to issue arms to settlers in remote places in case of threatened danger. It cannot be done now without making himself personally responsible for loss of property.

STATE OFFICERS.

Such of the State officers as are required to reside at the seat of the government are quartered at the court house, where reasonably good accommodations are provided for most of them.

No provision of law exists by which any officer is permitted to contract for the renting or leasing of offices. The county commissioners of Lewis and Clarke county, relying upon the State to ratify the actions of the occupants, have furnished and delivered the possession of offices to the following persons: Governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction and judges of the supreme court. So far as I am informed the quarters furnished are well adapted to such uses and reasonably satisfactory. We have paid no rent to the county, although we have occupied the rooms for more than a year. I recommend that authority be given some officer of this State to enter into a proper contract for quarters and that provision be made to pay the same.

Your attention is also called to the fact that there is no law in existence by which the vote for State officers to be elected in 1892 can be canvassed or the result of the election declared.

The State Constitution provided the method of giving effect to the first election only. The necessity of legislation upon this question is urgent. The term of office of the present incumbents expires on the first day of January, 1893, and does not continue, as is usual, until their successors are elected and qualified.

REPORTS OF STATE OFFICERS.

Sec. 19, of Art. 7, of the Constitution requires all State officers to make a full and complete report of their official transactions to the Governer at least twenty days preceding each regular session of the Legislative Assembly, which report is thereafter to be transmitted to the legislature by the governor. In order to make this report available and of practical value so far as the financial condition of the State is concerned, it will be necessary to change the present law and make all taxes delinquent after the 30th day of November instead of December 31st and I recommend the change, and I further recommend as a matter of convenience and economy that all reports of State officers required to be printed, be printed in one volume.

GREAT SEAL OF THE STATE.

We are still using the old seal of the Territory. A State seal should be adopted. Also a seal for the Supreme Court.

STATE BOARD OF EQUALIZATION.

The creation of this Board is a radical departure from former methods in this State.

Sections 15, 16 and 18, of Art. 12, of the Constitution are as follows:

SEC. 15. The Governor, secretary of State, State treasurer, State auditor and attorney general shall constitute a State Board of Equalization and the board of county commissioners of each county shall consutute a County Board of Equalization. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the taxable property among the several counties of the State. The duty of the County Board of Equalization shall be to adjust and equalize the valuation of the taxable property within their respective counties. Each Board shall also perform such other duties as may be prescribed by law.

SEC. 16. All property shall be assessed in the manner prescribed by law except as is otherwise provided in this Constitution. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization and the same shall be apportioned to the counties, cities, towns, townships and school districts in which such railroads are located in proportion to the number of miles of railway laid in such counties, cities, towns, townships and school districts.

SEC. 18. The legislative assembly shall pass laws necessary to carry out the provisions of this article.

Pursuant to these provisions the Board organized and proceeded to a discharge of its duties. An examination of the authorities soon satisfied the Board that the foregoing provisions were inoperative without the necessary legislation. It proceeded, however, basing its action in nearly every instance upon an agreement with the railroad companies by which the assessments were made and the taxes paid.

The labor involved in securing the necessary information, preparing the proper blanks, together with travel, conference and correspondence has been great; and all done and performed under great difficulties.

The whole subject has been thoroughly considered and legislation recommended by the Board of Equalization in its first annual report which has been printed and which will be hereafter submitted. I will not, therefor, encumber this message with them but fully endorse the report and recommend the legislation proposed as proper and necessary.

BOARD OF PARDONS.

The Constitution has provided for a Board of Pardons consisting of the secretary of State, State auditor, and attorney general.

No legislation has ever been enacted providing for the time or place of its meetings or defining its procedure in any respect.

The Board, however, deeming it had sufficient authority so to do organized and have proceeded to act upon various cases passed on by the executive, making its own rules, etc., etc. These rules or similar ones should be enacted as law or direct authority conferred upon the Board to make the same.

During the year twenty-nine applications for pardon were presented to me. Out of this number twenty-two were rejected by me; five were granted and two commuted. These latter cases went before the Board of Pardons for its action, which resulted in the approval of five and disapproval of two.

The report of the Board showing its organization, rules of procedure, cases considered and other information in detail will be hereafter presented.

The present system of pardons is a radical departure from that which has existed since our organization as a territory; yet nothing has come under my observation to subject it to criticism.

STATE BOARD OF EDUCATION.

Section 11, Art. 11 of the Constitution is as follows:

SEC. 11—The general control and supervision of the State university and the various other State educational institutions shall be vested in a State Board of Education, whose powers and duties shall be prescribed and regulated by law. The said Board shall consist of eleven members, the governor, State superintendent of public instruction and attorney general being members ex-officio; the other eight members thereof shall be appointed by the governor, subject to the confimation of the Senate, under the regulations and restrictions to be provided by law.

This section evidently contemplates that legislation shall be passed defining the term of office, qualification, etc., of the Board. I would suggest that in formulating the law provision should be made for the expiration of one term every year, which would secure the service of experienced men at all times on the Board.

STATE BOARD OF EXAMINERS AND PRISON COMMISSIONERS.

Section 20, Art. 7, of the Constitution, is as follows:

SEC. 20—The governor, secretary of State and attorney general shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State prisons as may be prescribed by law. They shall constitute a Board of Examiners with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claim against the State except for salaries and compensation of officers as fixed by law, shall be passed upon by the legislative assembly without first having been considered and acted upon by said Board.

The powers, procedure and duties of the Board should be prescribed by law. The numerous claims filed against the State have not been examined or passed upon by the Board of Examiners, nor has anything been done by the Board of Prison Commissioners except to organize, visit and inspect the penitentiary with a view of ascertaining the manner in which it was conducted and what additions and repairs should be made thereto. A separate report upon that proposition will be hereafter submitted.

LABOR.

Provision is made in the Constitution for a Bureau of Labor and Industry, to be located at the capital, and to be under the control of a commissioner to be appointed by the governor, and subject to confirmation by the senate. I regard the creation of this office as of the greatest importance to the State. It will be the medium through which can be collected and preserved authentic statistics and information generally of great value in the adjustment and perfection of future legislation. While our population is small and our industries comparatively few, the salary should be moderate.

PUBLIC EXAMINER.

Section 8, Art. 7, of the Constitution makes it your duty to provide for a State Examiner, and in addition to the duties specifically enjoined upon that official by the Constitution, he is required to perform such other duties as the legislature may prescribe. His compensation should be fixed by law.

APPORTIONMENT AND REPRESENTATION.

Section 2, Art. 6, of the Constitution provides as follows:

SEC. 2—The legislatve assembly shall provide by law for an enumeration of the inhabitants of the State in the year 1895 and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for representatives on the basis of such enumeration according to ratios to be fixed by law. From this it appears that the present legislature will be called upon to revise and adjust the apportionment for Representives, and in so doing they are required to take as a basis the enumeration last made by the United States, an enumeration, which, so far as this State is concerned, was a complete and elaborate failure. It will furnish the basis for an unjust apportionment which must be tolerated until after 1895, when an enumeration may be made by the State as provided by section 2, above referred to, if legislation to that end is enacted.

COMPENSATION OF MEMBERS OF THE LEGISLATURE.

In view of the fact that the Constitution has declared that the compensation of the legislative assembly after the first shall be as provided by law, and that no legislative assembly shall fix its own compensation, it will be incumbent on you to give this subject attention at this session.

PUBLIC LANDS.

The act providing for our admission into the Union grants to the State public lands, which, if properly selected, managed and controlled, will place Montana second to no State in the Union in respect of educational and other institutions for which the grant was intended. It is therefore of the highest concern to the people that speedy legislative action should be had providing for the early selection of these lands. Every day that passes lessens the value of the grant by affording opportunity for individuals to initiate settlements and rights under the land laws of the United States which will be superior to ours until the selections are made. In this connection we should not be unmindful of the fact that suits are pending and legislation is being urged for the purpose of dispossessing the Northern Pacific railroad company of thousands of acres of mineral land within this State claimed under its grant, and that for every acre so taken it will claim an equivalent of agricultural land. A bare suggestion of this subject is sufficient to stimulate our efforts in securing an early selection of the land granted to the State, otherwise the gift of the government may not be worth the taking. I call your attention to section 10 of the enabling act referred to, and other sections of the same act relating to the same subject. Sect. 1, Art. 18, of the Constitution seems to contemplate the creation of a board of land commissioners, whose duty it shall be to classify all public lands. It appears to me that this board should be charged with the duty of making the selections provided for in section 10 of the enabling act above referred to. In any provision you make for the sale or leasing of public lands belonging to the State, preference should be given to actual settlers, who in good faith located upon school sections by mistake, or who believing such preference would be given, have made valuable improvements upon the same.

These two classes of persons should be protected; the former for the reason that the failure of the general government to extend the public surveys, made it impossible in many cases to distinguish a school section from any other section, and the latter for the reason that the constitution adopted and ratified by the people in 1884, contained a provision similar to the recommendation above made, and upon which numerous persons have relied and made settlement accordingly.

If the federal government or the State shall ultimately aid in the establishment of a system of irrigation and the storage of water by means of reservoirs, no man can approximate the value of these lands to the State in the future. I make this observation to guard you against the demands of those who, eager to monopolize our lands, will doubtless be on hand to urge a hasty and inconsiderate disposition thereof.

Section 13 of the enabling act provides:

> SEC. 13—That five per centum of the proceeds of the sale of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States respectively.

This fund, whatever it may be, should be placed to our credit so that it may be invested and return some revenue to the State. Legislation to authorize its investment must, however, be first provided.

Congress has been well disposed in advancing educational interests, and it remains for us to avail ourselves of its munificence.

AGRICULTURAL COLLEGE.

By an act of Congress approved August 30, 1890, $15,000 per annum and an increase of $1,000 per aunum for the period of ten years thereafter is appropriated to each State and Territory, and after that the sum of $25,000 per annum to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science. In order to avail ourselves of this appropriation an Agricultural College must be established in accordance with an act of Congress approved July 2, 1862. The Legislative Assembly must assent to the purpose of said grant and provide to whom the payments of above mentioned appropriations shall be made. I earnestly urge that action looking to this very desirable end may be speedily taken. These suggestions tend naturally to a consideration of some method looking to the protection of the several grants from the government for educational and other purposes.

Many of our lands donated to the State for the support of common schools, being sections sixteen and thirty-six in every township, as well as university lands already selected, are endangered by trespassers and individuals asserting claims under the mineral land laws. Many of these lands are very valuable on account of their proximity to cities and towns; and this is doubtless the incentive in a majority of cases for jumping the same.

The result is that contests are now pending in the local land offices and the general land office at Washington involving our rights to school lands. Other cases of flagrant trespass in which lands are being occupied and despoiled have come to my knowledge but have not reached the land office or the courts. We have been virtually powerless in the absence of legislation to protect these sacred interests. It seems little less than a crime to see this splendid heritage passing away from us and falling into the hands of sordid and selfish individuals who take no account of the rights of the State. I think that a fund should be placed at the disposal of the Board of Land Commissioners for the payment of all necessary expenses of examination, survey and of contested cases involving the title or right of possession of school or other lands granted to the State. There should also be a State agent who should be empowered to represent our interests here and before the department at Washington. I commit the whole subject to your wisdom, profoundly conscious of the fact that no graver question will engage your attention.

RAILROAD GRANTS AND MINERAL LANDS.

The State has a direct interest in the speedy and final settlement of all questions affecting the grant of the Northern Pacific railroad company within our limits. First, we are vitally interested in upholding the spirit and purpose of the grant, which reserved all mineral land from its operation. These lands should always be open to exploration and development by the prospector and miner. The policy of the federal government has always run in that direction in an unbroken line, as evidenced by every public grant.

Second, it is of paramount importance to us to secure an early survey of such lands as the railroad company is entitled to under the law in order that this immense grant may be subjected to taxation like other property within the State.

It cannot be taxed before it is surveyed. The longer this indispensable condition is delayed, greater will be our misfortune in a financial point of view and greater will be the complications arising out of it.

It requires only a casual glance at the situation to see that for every legal subdivision claimed by the company which by decision of a competent tribunal shall be declared to be mineral, another section will be claimed in lieu thereof. Titles will be slandered, confusion generally will exist, and expensive litigation will follow.

It seems proper, therefore, that congress should be memorialized to take such steps as it may seem to you just and expedient to designate and protect the mineral lands falling within the limits of the grant, and speedily to survey and designate all lands to which the railroad company is entitled, so that the same may be made to respond to their just proportion of the public burdens. In this connection I consider it proper to recommend for your investigation the question of the liability of the right of way of the Northern Pacific Railroad Company within this State to taxation.

Several propositions are involved. First, whether the clause of their charter exempting the right of way "within the Territories" is not destroyed by the creation of a State out of such Territory.

Second, does not the act admitting us a State "upon an equal footing with the original States" operate protanto as a modification of the exemption clause of the charter? No such embargo was laid upon "the original States."

Third, does the provision of the charter providing for "modification," etc., contemplate such a modification as this?

Fourth, if it does and the creation of the State "upon an equal footing with the original states" is not tantamount to such a modification, would it not be well to direct the attention of our Senators and Representatives in Congress to the necessity of legislation to that end? It has come to my knowledge that the railroad companies maintain that this exemption is still in force.

DESERT LANDS AND IRRIGATION.

Every person who is conversant with our climate and the character of our soil must know that great possibilities await a general and comprehensive system of irrigation of our lands. I do not think the public is interested in holding a vast empire as a mere cattle range for large herds of stock. Upon the contrary it will be a glad day for Montana when the stock interests of the State shall be divided among the ranchmen in small lots. This will insure their proper feeding and shelter, and furnish employment to a large number of persons who must also be provided with the necessaries of life, all of which will be conductive of a more general prosperity to the State.

The proper solution of this question is pregnant with great import to the people of this State. There was a time when it seemed not improbable that the general government would take hold of this proposition and under its supervision control and manage the water supply to the advantage of all. It is perfectly apparent, however, at this time that influences are co-operating which will eventuate in destroying whatever hope we may have had in that direction. Eastern communities which have set this opposition in motion, appear to be mindful only of local interests and not of the prosperity of the whole country. Their protest is based upon the claim that the reclamation of these arid lands would subject the settler in the eastern and middle states to undue competition, retarding relief from agricultural depression. They will not, but they should remember that "this depression, arising from the competition of more favored conditions, is a portion of our inheritance and of the inalienable sacrifice exacted from mankind by that modern Juggernaut, Progress, whose wheels take no backward turn, however loud, however real, or however pitiful the outcries of the victims may be."

The homes which we propose to make are not for us alone, but for every citizen of the United States who has the courage to come and take one. We are interested in having this country settled and contribute something more to humanity and the world. There is no citizenship like that which is bound to the State and the Nation by a title in fee to the soil. Of course these lands, when reclaimed, will come in competition with that immense land grant of over twenty millions of acres almost wholly undisposed of in our State and possibly depreciate its value, but that is only another reason for their speedy reclamation, as it will secure cheap homes for the people and in the end benefit all. If we are to receive any substantial or speedy benefits from our arid lands I believe the State must first acquire a title to them and then undertake by appropriate legislation to reclaim and dispose of them. The Government should select, survey and convey these lands to the State upon such conditions as would secure their occupation and reclamation.

The West has contributed largely to building up the great revenues of the Nation and has received very slight corresponding benefits. It is not, however, the section, but the subject to be fostered and encouraged.

Agriculture lies at the foundation of our national prosperity. It is already languishing under the fatal pressure of unjust discrimination. It should be stimulated and promoted; not, however, by circumscribing its area or diminishing the amount of its production, but the remedy lies in opening and extending by appropriate legislation our commercial relations with those countries which afford the most profitable markets for our products.

I think our demands upon this subject should be formulated and transmitted to congress.

INDIANS AND INDIAN RESERVATIONS.

The large Indian reservations within our borders which were set aside by the general government, embrace some of our best agricultural lands and are far in excess of the requirements of the Indians, who are no longer able or compelled to live by the chase, but in every instance are the recipients of bounty from the government. The buffalo and wild game which once abounded upon these great reservations are practically extinct, and with their departure disappeared the only reason for the maintenance of large areas of land for the occupancy of the Indians.

I therefore hope that you will memorialize congress to compel a speedy selection and acceptance of these lands by individual members of Indian tribes, the destruction of tribal relations, and for an early restoration of the remainder of said lands to the public domain.

Although there has been visible unrest among several tribes within the State happily no serious outbreak has occurred within the last year. The only threatened danger grew out of the killing of a citizen and the indiscriminate slaughter of range cattle by the Cheyenne Indians in Eastern Montana last spring. The circumstances in this instance seemed to be of such importance as to justify sending a special messenger to the scene of the difficulty with instructions to investigate and report concerning the causes and probable consequences of the affair. Colonel C. D. Curtis, aide de camp N. G. M. was accordingly detailed for the purpose and after conferring with the officers of the United States Army at Fort Keogh proceeded to take the testimony of reliable and trustworthy citizens respecting the same, which was embodied in his report to the Executive Office and which will be hereafter transmitted. An authenticated copy of this report was forwarded to the Interior Department at Washington with the accompanying letter which probably through the carelessness of some subordinate was never acknowledged.

STATE OF MONTANA, EXECUTIVE OFFICE,
HELENA, Montana, July 3, 1890.

To the Secretary of the Interior, Washington, D. C.;

SIR: I have the honor to call your attention to recent depredations of the Cheyenne Indians in Eastern Montana which resulted in the death of one citizen and the slaughtering of numerous cattle upon the range. The citizens in Eastern Montana have been exposed to these depredations since the removal of the Cheyennes to Montana. Soon after the killing of Mr. Ferguson I dispatched Colonel C. D. Curtis, aid de camp N. G. M. to the scene of the trouble with instructions to investigate the cause of the same. A copy of his report is enclosed herewith.

I endorse the same as a report of a careful, competent and conscientious officer, who had ample facilities to ascertain the facts. I do not hesitate to say that the primary cause of the unrest and threatening attitude of these Indians is the result of a failure of the government to properly feed them. These Indians cannot subsist on the meagre allowance doled out to them by the government. Such a course is a constant temptation to plunder, and then if unhappily detected, to kill the witness and thus remove the evidence against them.

I have the honor to submit, first, that these Indians do not, in fairness, belong to Montana, and ought to be removed.

Second, that if permitted to remain here they should be properly fed and kept upon the reservation and disarmed.

I very much fear that a recurrence of such trouble as detailed in Col. Curtis' report, to which I ask your attention, will make it impossible to restrain the settlers in that remote section of the State from taking matters into their own hands.

I have the honor to be your obedient servant,

Jos. K. Toole,
Governor.

The conclusions reached in this letter are as true to-day as they were then. The continued disregard of our urgent but respectful protest manifests such a lamentable lack of interest in our protection that I trust you may find it expedient to give public expression to our affront by a proper memorial to congress.

SALE, RENTAL AND DISTRIBUTION OF WATER.

One of the most salutary provisions in our declaration of rights is that which makes all the water now appropriated or which may hereafter be appropriated for sale, rental, distribution or other beneficial purposes, a public use. Under this provision I assume that you are invested with ample authority to provide by appropriate legislation, against excessive and extortionate charges by individuals, companies or corporations engaged in the sale, rental or distribution of water, and to prevent the unjust discrimination in the disposition of the same to the public. In my opinion the right of the State to regulate this subject should be asserted and maintained. I accordingly invite your attention to this matter as one worthy of your early consideration.

HOMESTEAD AND EXEMPTION.

Homestead and exemption laws are the outgrowth of our civilization, and in all enlightened communities there is a universal concurrence of sentiment in favor of making them broad and liberal. Society owes something to the wife and children and the creditor who trusts the reckless and improvident, ought not to be permitted to pursue the former to destitution. I therefore recommend that in obedience to the Constitution, liberal homestead and exemption laws be enacted.

PRINTING.

Provision should be made for carrying out Section 30, Art. 5, of the Constitution respecting public printing.

SEC. 30—All stationery, printing, paper, fuel and light used in the legislative and other departments of government shall be furnished and the printing and binding and distribution of the laws, journals and department reports and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislative assembly and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and the State treasurer.

The present contract with the Journal Publishing Company, entered into under the territorial law, and which was continued in force by the constitution, expires on the 11th day of March, 1891.

THE SUPREME COURT.

Under the provisions of Section 3, Article 8 of the Constitution, the Supreme Court is empowered to summon a jury when required to determine an issue of fact. It will be necessary for the Legislature to prescribe by law the manner in which such jury shall be summoned. There is no statute which governs this contingency.

Under the provisions of Section 4, of the same article, the Legislative Assembly should fix the time for holding the terms of the Supreme Court, or confer the authority upon the justices to regulate them. I think the number of terms should be increased to four, and that the Legislative Assembly should designate them. This legislation would secure a speedy hearing of the appeals and render certain the day when they could be heard.

CLERK OF THE SUPREME COURT.

The Constitution has deemed the office of the Clerk of the Supreme Court of such importance that it has required him to be elected by the people of the State. The fees allowed for his services should be revised, and when collected should be paid into the Treasury. This officer should receive a salary.

DISTRICT COURTS.

Since our admission into the Union we have been working under an entirely new judicial system. In the main it has proven satisfactory, and with some slight modifications and legislation which was designed in the first instance to give it effect, I am confident that it will meet every requirement demanded by the public.

Hon. W. W. Dixon, the Chairman of the Judiciary Committee of the late Constitutional Convention, has so succinctly reviewed the system in a recent address before the Society of the Framers of the Constitution that I submit an extract therefrom. Among other things he said:

"In the counties of Lewis and Clarke and Silver Bow the old courts were so much behind in the trial of causes when the present judges took their seats, and business has since so increased that the new courts have been unable to afford litigants in civil cases the prompt trials which they should have.

"The judges have worked very industriously, but can make little progress. In each of these counties an additional judge is needed, at least for one or two years to come, and the Legislative Assembly should so provide.

In those districts where several counties are united the system seems generally to work satisfactorily. Some of these counties, however, have so increased in population and business that they desire and are entitled to be made separate districts, and this, I think, should be done as speedily as may be. It is to be hoped that in a few years each county in the State will be a district with its own judge. When this is done all the benefits of the judicial system established by the Constitution will be realized.

"One trouble and inconvenience I have heard mentioned in the counties joined with others in one district, is the delay in procuring orders in probate matters when the judge is absent from the county where the order is desired. This, I think, might be remedied to a considerable extent by an amendment to the probate practice act, authorizing the clerk of the court to make in the absence of the judge, such orders as are usually made exparte.

"Sec. 8, Art. 3, of the Constitution provides for the prosecution of criminal offenses in the district court by information, and also by indictment by a grand jury, when the court considers it necessary to summon one, and a grand jury is to consist of seven persons only, of whom five must concur to find an indictment.

"Owing to the unfortunate political complications of last winter, which deprived us of much needed legislation to make constitutional provisions effective, we have no law defining or providing for information. The Supreme Court has therefore held, and no doubt correctly, that criminel cases must still be prosecuted by indictment. We have not therefore enjoyed the benefits of the provision which dispenses in most cases with a grand jury, but we have reduced the number comprising it to seven. This has reduced the expense of the counties and I think has been found satisfactory to the people. The constitutional provision that in case of misdemeanor and in all civil actions two-thirds in number of the jury may render a verdict has, so far as I have seen or been informed, been found to be very satisfactory in its practical operation and has greatly facilitated the decision of cases and prevented expense and unnecessary new trials."

By promptly providing for proceeding by information heavy bills of cost will be saved which now necessarily obtain. If witnesses are compelled to attend at preliminary examinations, before the grand jury and then upon the trial, three separate bills of cost are incurred when one ought to answer the purpose, besides the witnesses are frequently of a migratory character, cannot be found, or if so, at heavy expense on account of mileage.

The necessity of another judge in Lewis and Clarke and Silver Bow counties is apparent to every one who has considered the subject. A letter addressed to this office from Hon. W. H. Hunt, Judge of the first Judicial District Court, giving a statement of the volume of business transacted in his district and the immediate demand for relief, is clear, concise and convincing. The same is appended hereto and marked "Exhibit D." I may add that the reasons given by Judge Hunt are equally applicable to Silver Bow county, and that the same would have been made manifest by the judge of that district but for his unavoidable absence at this time.

CODE COMMISSION.

The important work of preparing the four codes authorized by the act of March 14, 1889, was committed to a commission which was required to report three of the codes to the next ensuing Legislature. The commission has been industriously engaged in the work since the adoption of the State Constitution, and has completed and filed with the Secretary of State the "civil code," "the code of civil procedure" and "penal code." I am in receipt of a communication from the Chairman of the Commission under date of December 11, 1890, as follows:

"Replying to yours of the 10th I have the honor to report: That the code commission appointed in pursuance of the act of the legislative assembly of March 11, 1889, commenced its labors in April, 1889, and almost continuously since the first day of September of that year, has worked in codifying the laws as provided in the act, and as a result the code commission has completed and filed with the secretary of State a "Civil Code," a "Code of Civil Procedure," a "Penal Code," and is now at work upon a "Political Code," which, it is expected, will be completed by the 15th day of January, 1891.

"The making of the political code is a great task and ought to have been completed before the making of the other codes, but this could not be done and comply with the act creating the commission. Much labor has been spent upon the political code in making our laws, offices, official duties, and State and county governments generally conform to the requirements of the Constitution. The commission might profitably have spent every day since the passage of the act creating it, upon the political code.

"We have felt hurried with our work on account of the limited time given for its completion. In other States from three to five years have been occupied by commissioners in codifying each subdivision of their laws, and we would be much better satisfied with our work if we had more time to bestow upon it.

"Before the codes, already filed, are finally submitted a few changes will have to be made in consequence of some of the provisions of the political code, but we hope to have all the codes ready by the 15th day of January next.

"To make each code complete and harmonious with itself, and with each of the other codes, and at the same time embody and perfect the provisions of our territorial statutes and make them conform to the Constitution, has required a vast amount of patience and labor and two years further time might well be spent in the work."

These codes will embrace the whole body of the statute law of the State except such additions as may be made at this session. The greatest possible care and investigation will of course be necessary in order to preserve harmony between their several parts and consistency between the whole and the Constitution. While the gentlemen composing the commission are learned in the law and are in every way qualified for such distinguished and important service, nothing effecting the character of their work should be taken by implication on that account. The responsibility for the work will rest jointly upon us and the commission. The act creating the commission contemplated that five hundred copies of the several codes should be printed and placed in the hands of the State librarian, judges of the Supreme and District courts and other State officers and members of the bar of the State in order that the work might be intelligently examined and criticised before the assembling of the Legislature. There does not seem to have been any appropriation available for this purpose, at all events none were published. It will not be unwise to consider in the outset whether it will not be more prudent to first provide for the printing contemplated by the act creating the commission and then confine your labors to the enactment of such legislation as is necessary to carry out constitutional provisions and the settlement of outstanding claims against this State, leaving the code to be considered by the next session of the Legislature. Indeed, this may be necessary, as the constitution requires that every bill shall be printed before its passage.

This is an important question and worthy of your consideration.

PUBLIC SCHOOLS.

There is abundant evidence to show that our public school system has improved steadily from year to year. It is the great popular institution of the State and deserves well of the legislative assembly. Reliable statistics show the following interesting facts: There are about 30,000 school children in the State. About 600 teachers are employed at an average of about $56 per month. One million dollars is invested in school property. This includes 349 school houses, but excludes private schools. At the close of the school year, Aug. 31, 1889, the several counties had on hand $64,761.78. Total amount received for school purposes from taxation and other sources for 1889, $569,521.91.

Paid teachers	$215,578 02
Paid for school apparatus	6,807 16
Paid for library	276 87
Paid for school houses, sites, etc	88,643 50
Paid other expenses	32,079 57
Balance on hand Aug. 31st, 1890	244,119 97

During the year forty-seven school districts observed Arbor Day and 250 trees were planted. The compulsory clause of the school law has not been generally observed, but no prosecutions have been instituted under it.

FEES OF COUNTY OFFICERS.

Your attention is directed to the present fee bill of the respective county officers. The complaint is universal that the fees under the territorial laws, and which are now injected into the

State statutes, are unreasonable and excessive. While all officers should have a fair and just compensation, and ought to be consulted in the establishment of fees, the citizen ought not to be compelled to surrender entirely to their demands. I recommend, therefore, a complete revision and adjustment of the present law fixing the fees of county officers so as to make them approximately commensurate with the services rendered, and that all fees when collected be paid into the respective county treasuries, and that in lieu thereof, salaries be paid to such officers.

I feel confident that this will withdraw the temptation to be over zealous, ostensibly for the public good, but in reality not infrequently for their own aggrandizement. At all events it is worth the experiment, but in my judgment it should not take effect until January, A. D. 1893.

CORPORATIONS.

The organization of corporations to carry on large enterprises has become a necessity in this and other states; the development of our resources and the carrying forward of projects for the public good in many instances are of such magnitude and require the outlay of such large sums of money that private capital cannot be induced to embark in them. The law should provide for the incorporation of such, but I condemn as bad legislation the existing statute, inherited from the territory which permits almost every character of business and industry to become the subject of an incorporation, whereby the liability of the stockholders is limited. No one but a creditor is entitled to see the books of the corporation and hence a person dealing with such concern in the first instance is at a disadvantage. I recommend the modification of existing laws so that corporations may be formed for the following and such other purposes as may be considered proper, and which shall be specifically provided for, and no other:

1—The support of public worship.

2—The support of any benevolent, charitable, educational or missionary undertaking.

3—The support of any literary or scientific undertaking, the maintenance of a library or the promotion of painting, music or other fine arts.

4—The encouragement of agriculture or horticulture.

5—The maintenance of a club for social enjoyment.

6—The maintenance of public parks, and the facilities for skating and other innocent sports.

7—The maintenance of a public or private cemetery.

8—The prevention and punishment of theft or wilful injury to property and insurance against such risks.

9—The insurance of human life and dealing in annuities.

10—The insurance of human beings against sickness or personal injuries.

11—The insurance of lives of domestic animals.

12—The insurance of property against marine risks.

13—The insurance of property against loss or injury by fire or by any risk of inland transportation.

14—The transacting of a banking business.

15—The construction and maintenance of a railway and of a telegraph line in connection therewith.

16—The construction and maintenance of any other species of roads, and of bridges in connection therewith.

17—The construction and maintenance of a bridge.

18—The construction and maintenance of a telegraph line.

19—The establishment and maintenance of a stage line.

20—The establishment and maintenance of a ferry.

21—The building and navigation of steamboats, and carriage of persons and property thereon.

22—The supply of water to the public.

23—The manufacture and supply of gas, or the supply of any motive power, light or heat to the public.

24—The transaction of any manufacturing, mining, mechanical or chemical business.

25—The transaction of a printing or publishing business.

26—The establishment and maintenance of a hotel.

27—The erection of buildings and accumulation and loan of funds for the purchase of real property.

28—The improvement of the breed of domestic animals by importation, sale or otherwise, or

29—The construction of canals and reservoirs for conveying and storing water and the boring of artesian wells.

REGISTRATION.

The Constitution gives the legislature power to enact suitable registration laws. The schedule annexed to the Constitution provides for continuing in force all laws of the Territory not inconsistent with the Constitution, or the Constitution and laws of the United States. By this the registration law enacted by the last territorial legislature becomes a part of our State statutes. While the legislature ought to throw around the ballot every safeguard against fraud and repeating, and a proper registration law is conducive to this end, the present system overshoots the mark and operates to disfranchise many good citizens of this State whose votes are entitled to be cast and counted. In my opinion no registration should be required as a condition precedent to voting in remote and sparely settled communities. The facilities for transportation are inadequate in such sections of the country, and those afforded are expensive and often beyond the means of the voters. Mountain ranges are sometimes required to be crossed and the distance required to be traveled has been shown to be, in some instances, as much as a hundred miles, and not unfrequently from twelve to twenty miles. The result of this is that the ranchman, the stock-herder and the prospector, who form a large per cent of our population, and who are generally impecunious and unable to bear the burden of such an expense and loss of time as the present system necessarily entails, are compelled to remain at home and are thereby disfranchised on election day. To obviate this wrong done to the citizen, I recommend that the present registration law be so amended that registration shall not be required except in incorporated cities and towns having a given population. It is in the latter places, the centers of population, where lawbreakers and malefactors congregate that repeating and fraud are practiced, and not in remote precincts where every man knows his neighbor and a stranger is at once observed. I believe that it is an undue and unnecessary burden on the citizen to require him to register every time there is a general election. Having once registered that ought to be sufficient for at least six years.

Provision should be made whereby the elector who has once registered and removed will not lose the right of suffrage.

Aside from this the law is unreasonable and probably would be declared void upon a proceeding involving its consideration in the courts. First, because it undertakes to disfranchise a large number of voters through no fault of their own, to wit: Those who are ill and unable to attend before registration officers, but who are able to attend upon election day. Second, because it makes an unjust and unlawful distinction between the rights of native born and naturalized citizens and electors, to wit: It requires a naturalized voter to produce his certificate of naturalization or show by evidence other than his own oath that such certificate was issued, while it permits a native born citizen to prove his standing as a voter by his own oath. Third, it destroys the right of suffrage of those citizens whose qualifications as respects residence would mature between the 15th day of October and election day, the registration board having adjourned on October 15. The constitution authorizes the Legislature to enact "registration and such other laws as may be necessary to secure the purity of elections and guard against abuses of the elective franchise," but this does not authorize by direction or by indirection the disfranchisement, without his own fault or negligence, any elector under the constitution.

Section 2, article 10, of the Constitution, makes the term of residence apply to a time immediately "preceding the election," so that in order to give the citizens the right of suffrage guaranteed by the Constitution he should be permitted to register on the day preceding the election. These questions were considered at length in the case of the Attorney General vs. the City of Detroit, and decided by the Supreme Court of Michigan on December 28, 1889, and reported in Vol. 41, No. 13, of the Albany Law Journal, from which I make the following extract:

Why should a person claiming to be an elector by naturalization be debarred, if he has lost his certificate, from establishing such fact by his own oath? A person may swear that he is native born, and he is not required also to prove this fact by some one else, before he can be registered; but if he wishes to show that he is an elector by naturalization, he is presumed to be unable himself to tell the truth under oath, and must be corroborated by some one else. The easiest way for a person of this class wishing to cast a fraudulent vote, would simply be to swear that he was born in the United States, and in such a case a perjurer is put to less trouble to get on the registry list than an honest man who desires to show that he has been naturalized, but who, unfortunately, has lost the record evidence of such naturalization. This distinction between native born and naturalized electors is an unfair one, and, as above shown, entirely unnecessary in order to prevent fraud. Its tendency will be to disfranchise honest men and to induce dishonest men to perjure themseles. Section 13, in reference to removals from one precinct to another and the necessary steps to become registered in such cases, seems to me most unreasonable and unnecessary; but perhaps this is within the power of the Legislature, as it is not absolutely impossible to comply with it. But in relation to naturalized voters, the very men who have probably lost their certificates and cannot now replace them are elderly men, who have been naturalized for many years, and have exercised the elective franchise in Detroit without question for upwards of a quarter of a century. They have, many of them, no doubt forgotten the particular name of the court in which they took out their papers; and to prove their issue by some one other than themselves would be, in some instances, impossible. A law that treats these men as men whose oaths cannot be taken in their own interest, while it permits a native born citizen to prove his standing as a voter by his own testimony cannot receive my sanction, as I believe such a requirement not only to be unjust and unfair, but unconstitutional, unless applied to all. Another distinction may also be noted. A native born citizen becoming of age between the last day of registration and the election, is permitted to vote; but a foreign born citizen, who has taken out his first papers, and whose right to full citizenship or the elective franchise, will ripen between the completion of the registry list and the opening of the polls, can not vote.

In my opinion no registry law is valid which deprives an elector of his constitutional right to vote by any regulation with which it is impossible for him to comply. No elector can lose his right to vote, the highest exercise of a freeman's will except by his own fault or negligence. If the legislature, under the pretext of regulation, can destroy this constitutional right by annexing an additional qualification as to the number of days such voter must reside within a precinct before he can vote therein or any other requisite, in direct opposition to any of the constitutional requirements, then it can as well require of the elector entirely new qualifications, independent of the Constitution, before the right of suffrage can be exercised. If the exigencies of the times are such, which I do not believe that a fair and honest election cannot be held in the city of Detroit, or in any other place in our State, without other qualifications and restrictions upon both native born and naturalized citizens than those found in and authorized by the Constitution, then the remedy is with the people to alter such Constitution by the lawful methods pointed out by that instrument.

I therefore recommend such modifications of existing laws as will remedy the evils pointed out.

PURITY OF THE BALLOT.

The last territorial Legislature inaugurated a ballot reform that is worthy of note. While the Australian system of voting as a whole does not come up to the public expectation, it is nevertheless a departure in the right direction and its general acceptance by the people with some modifications, in my opinion, is assured. There should be no abatement of public interest in legislation designed to secure and perpetuate the purity of the ballot. The present law would be just as effective as it was designed to be if instead of printing the names of all the candidates on one continuous ticket, their names should be on separate tickets representing the party whose political principles they avowed, or upon the same ticket in separate columns. I recommend this modification of the law. The present system is tantamount to an educational qualification on the one hand, or a complete surrender upon the other to judges of election, who, in many cases, are incompetent, and in some cases venal. The time is too short to point out the many imperfections of a law, which was well intended, but which to the most casual observer in the light of observation and actual experience has been demonstrated to be very crude. If this system can be simplified and at the same time preserve its essential qualities, in my opinion, it will popularize politics and in the end secure the most perfect reflection of the popular will of any system ever inaugurated. It stimulates courage in the dependent to vote according to his conscientious convictions, and above all, it strikes savagely at the method of machine politics and promises its complete annihilation. In other words, simplified and properly guarded, it secures to the voter the largest freedom of thought and independence of action and exercise of judgment of any system which has ever obtained to my knowledge. So certain am I of the salutary effect of this system that I venture the prediction it will never be abandoned until the state is ready to abandon its sovereignty.

If our institutions are to endure, and the honor, integrity and prosperity of the State are to continue to be the hope and anchor of the citizen, the vote of the people expressed at the polls without hindrance or intimidation must be sedulously guarded and maintained at all hazards. The duties of the officers charged with the responsibility of declaring the result of an election should be made so explicit and the punishment for misconduct made so severe that the temptation for venal treachery at vital points will be forever removed. I call your attention to the unusual and unnecessary expense in the matter of printing which the present election law entails upon the people. It should be framed to meet only necessary and proper expenses.

PRESIDENTIAL ELECTORS.

Before another legislature shall have assembled an election for president and vice-president of the United States will occur. Provision should therefore be made as contemplated by the United States statutes upon this subject and for canvassing the votes, declaring the result and so forth.

NOTARIES PUBLIC.

Under the law there is no limitation upon the number of notaries permitted to be appointed. The convenience which such an officer has been found to be, especially in remote and sparsely settled communities, has led me to appoint such in every case where the applicant possessed the necessary qualifications. There have been 369 notaries appointed and commissioned since the 8th day of November, A. D. 1889. Not a single case of malfeasance or misconduct in office has come under my observation or been brought to my attention.

REWARDS.

Under Territorial law the Governor was authorized to offer rewards for the apprehension of persons charged or convicted of crimes, in his discretion, in amount not exceeding one thousand dollars. No rewards have been offered during my term of office.

Two rewards aggregating one thousand dollars were offered by Governor White, late Governor of the Territory, for the apprehension of two Indians charged with murder. The Indians were apprehended as claimed by the Sheriff of Missoula county, the county in which the crimes were committed. They have since been convicted, and the Sheriff of that county claims the reward.

Public policy, however, it seems, is opposed to paying a reward to an officer for doing an act which, by law, it is his duty to perform; and I have been constrained to withhold the approval of this account. I also call your attention to the fact that the existing law seems to appropriate money for a reward in arresting a prisoner, bnt no appropriation is expressly made for the payment of a reward for the apprehension of a person not a "prisoner." In other words an escape seems to be necessary before the appropriation is available.

PROTECTION OF RANGES AND TIMBER FROM FIRE.

Section 3, article 19, of the constitution is as follows:

> SECTION 3—The legislative assembly shall enact suitable laws to prevent the destruction by fire from any cause of the grasses and forests upon lands of the State or upon lands of the public domain, the control of which may be conferred by Congress upon this State and to otherwise protect the same.

In this State, where so much is made to depend upon the preservation of the ranges, every possible protection and safeguard consistent with property rights and a full enjoyment of the same should be invoked to prevent prairie fires, there ought to be a community of interest in this behalf. I am of the opinion that nothing could be done more conductive to this end than the passage of a law by which railroad companies operating in the state should be compelled to burn their right of way annually and thus prevent a spread of fire originating not infrequently from sparks from their engines and the cleaning of fire boxes.

LOTTERY AND GIFT ENTERPRISES.

Section 2, Article 19, of the Constitution is as follows: "Section 2—The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State." This legislation should be enacted and penalties prescribed. A question has arisen whether existing laws apply to the sale of lottery tickets in any lottery or drawing to take place outside of the State. It should be made specific. The Supreme Court of the United States, speaking of the demoralizing effects of such concerns, says:

"Experience has shown that the common forms of gambling are comparatively inocuous when placed in contrast with the wide-spread pestilence of lotteries. The former are confined to a few persons and places, but the latter infests the whole community. It enters every dwelling; it reaches every class; it preys upon the earnings of the poor; it plunders the ignorant and the simple."

Our legislation on the subject should be so comprehensive and the penalties so severe as to close forever every avenue of approach to this insidious and demoralizing foe to society.

TO PROMOTE UNIFORMITY OF LAWS.

A commendable effort is being put forth by the American Bar Association, seconded by a number of the states, to secure uniformity of legislation throughout the United States, especially with regard to marriage and divorce, wills, descent and distribution of property, form of deeds, acknowledgments and kindred topics.

There are but two modes of securing this end. First, an amendment to the Federal Constitution. Second, uniform action by the states. The first method is not feasible or practicable. Your attention is invited to the second method, voluntary action by the several states. The legislature of the State of New York has taken the initiative in this matter and has passed the following law:

SECTION 1—Within thirty days after the passage of this act, the governor shall appoint by and with the consent of the Senate, three commissioners, who are hereby constituted a board of commissioners by the name and style of "commissioner's for the promotion of uniformity of legislation in the United States." It shall be the duty of said board to examine the subject of marriage and divorce, insolvency, the form of notarial certificates and other subjects; to ascertain the best means to effect an assimilation and uniformity in the laws of the States, and especially to consider whether it would be wise and practicable for the State of New York to invite the other States of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several States and to devise and recommend such other course of action as shall best accomplish the purpose of this act."

Such anomolies as sometimes arise under the laws of the different States respecting the subjects referred to ought not to exist. It is recommended therefore that action be taken looking to our co-operation in some plan to promote this very desirable end.

EXPENSES OF CONSTITUTIONAL CONVENTION.

The $20,000 appropriated by congress to defray the expenses of holding the late constitutional convention was found to be inadequate for that purpose. Additional clerk hire and other officers, including a stenographer, and a stenographic report of the proceedings of the convention, was by resolution of the convention declared to be necessary and proper for the convenient and early dispatch of business. To cover these extra expenses the convention adopted an ordinance appropriating the following sums for the following purposes respectively, and declared the same to be charges against the State of Montana. The item for the stenographic report is an approximation but of course is capable of being rendered certain when the report is filed.

John Trumbull, clerk	$ 220 00
E. C. Garret, clerk	215 00
John McKay, clerk	220 00
Lee Swords, clerk	215 00
Edward Kerr, clerk	215 00
Henry Bernard, clerk	215 00
Miss Jennie Merriman, clerk	160 00
William Taylor, clerk	55 00
William Green, asst. sergt. at arms	175 00
Morris Langhorne, page	172 00
Cornelius Hedges, page	172 00
Wm. D. Alexander, page	172 00
Henry Bernard, for supervising the printing of the constitution and typewriting	100 00
Lee Swords, for acting as clerk to the committee on address	25 00
C. P. Connolly, stenographer	675 00
C. P. Connolly, transcript of proceedings and debates of constitutional convention (estimated)	1,800 00
Printing 20,000 copies of the constitution (estimated)	2,100 00
Total	$6,906 00

I, therefore, recommend that the same be paid by the State and that Congress be memoralized to reimburse the State as it intended by its enabling act to cover all expenses of the convention. Inasmuch as this ordinance was not submitted to the people for ratification and by them ratified, legislation is required to give it effect. Similar deficiencies growing out of the admission of North and South Dakota and Washington were allowed by the last Congress, but owing to some imperfection of our proofs or otherwise Montana's claim was omitted.

CONSTITUTIONAL AMENDMENTS.

Conscious of the fact that the Constitutional Convention, which formulated and adopted our Constitution, committed a grievous mistake in providing for the apportionment and representation of Senators by which population, the only just basis of representation under our form of government was wholly ignored, I call upon the Legislative Assembly at the first opportunity to provide for the early submission of a constitutional amendment whereby this inequality may be speedily corrected.

THE WORLD'S COLUMBIAN EXPOSITION.

The propriety of taking such steps as may be necessary to enable Montana to be creditably represented at the World's Columbian Exposition, to be held at Chicago in 1893, by virtue of an act of Congress approved April 25, 1890, will be for your determination. I have every reason to believe that this exposition will be the crowning glory of the nineteenth century, and that no better opportunity will ever be offered of placing before the world in an attractive form the great and varied resources and illimitable possibilites of our young State than that furnished at this great exposition.

I would be glad to let the world know with what prodigality nature has endowed us and call attention to the splendid field which our State offers for intelligent exploration and development. Every phase of our great wealth-producing resources should be made manifest and fully exemplified, including a practical application of the principles of irrigation so simple and yet so little understood and appreciated.

Under the act creating the commission, A. H. Mitchell, of Deer Lodge county, and L. H. Hershfield, of Lewis and Clarke county, were appointed by the president of the United States as commissioners to represent the State of Montana upon said commission. T. E. Collins, of Cascade, county and Benjamin F. White, of Beaverhead county, were appointed their alternates.

Mrs. Lily Rosecrans Toole, of Lewis and Clarke county, and Mrs. H. Knippenberg, of Beaverhead county, were by the president of the commission, upon the recommendation of the commissioners of this state, appointed upon the board of lady managers. Mrs. Marian D. Cooper, of Gallatin county, and Mrs.

F. I. Worden, of Missoula county, their alternates. Montana was complimented by the appointment of Mrs. Mary S. Harrison, of Montana, as a lady manager at large; and also the only vice-president at large; thus making our State one of the eight with a representation of three lady managers on the board.

I favor as large an appropriation by the State as is consistent with our resources and permissable under the Constitution. The views of the commissioners will be presented to you hereafter, touching not only the amount required but the general scope and plan of action.

ADMISSION DAY.

I recommend that the 8th day of November, the day of our admission into the Union, be declared a legal holiday.

GREAT SEAL OF THE STATE.

A State Seal should be adopted as well as seals for the several courts and commissions.

The time in which you are limited to do the work of the session is scarcely adequate, but much can be accomplished. Concerning the foregoing recommendations and all other proper subjects of legislation, you may rely upon my cordial co-operation.

Executive Office, Helena, Montana, January 30, A. D. 1891.

JOS. K. TOOLE,
GOVERNOR.

EXHIBIT A.

STATEMENT SHOWING ASSESSMENTS OF COUNTIES FOR 1889 AND 1890, WITH INCREASE OR DECREASE IN 1889 OVER 1890.

COUNTIES.	1889.	1890.	Increase.	Decrease.
Beaverhead	$ 3,128,078	$ 3,013,172	$........	$114,906
Choteau	4,155,281	4,950,217	794,936	....
Custer	4,465,411	6,380,177	1,919,766	....
Cascade	4,311,690	8,646,548	4,334,858	....
Dawson	1,742,887	2,406,681	663,794	....
Deer Lodge	7,826,645	9,900,491	2,073,846	....
Fergus	2,985,851	3,299,475	313,624	....
Gallatin	4,320,570	4,643,119	322,549	....
Jefferson	3,167,714	3,919,400	751,686	....
Lewis and Clarke	15,437,096	26,708,717	11,271,621	....
Madison	2,752,651	3,035,456	281,805	....
Meagher	2,866,802	4,043,437	1,136,635	....
Missoula	4,982,716	8,113,188	3,130,472	....
Park	3,062,900	4,492,436	1,429,536	....
Silver Bow	11,368,572	16,208,833	4,840,261	....
Yellowstone	2,852,080	3,217,037	414,957	....
Totals	$79,376,944	$112,373,384	$33,675,346	$114,906

EXHIBIT B.

STATEMENT SHOWING NET INDEBTEDNESS OF THE SEVERAL COUNTIES MARCH 1, 1890, AND INCREASE AND DECREASE FOR THE YEAR ENDING FEBRUARY 28, 1890.

COUNTIES.	Indebtedness Mar. 1, 1889.	Indebtedness Mar. 1, 1890.	Increase.	Decrease.
Beaverhead	$ 37,869 22	$ 76,303 08	$ 38,433 86	$........
Choteau	124,562 27	124,294 05	....	268 22
Custer	245,733 83	260,979 50	15,245 97	....
Cascade	69,801 06	53,019 22	....	16,781 84
Dawson	132,671 47	125,181 96	....	7,489 51
Deer Lodge	106,947 31	139,676 15	32,728 84	....
Fergus	19,239 97	18,295 30	....	944 67
Gallatin	65,717 90	57,591 55	....	8,126 35
Jefferson	121,464 22	154,549 35	33,085 13	....
Lewis and Clarke	163,167 44	125,679 15	....	37,488 29
Madison	....	87,229 00	....	....
Meagher	55,318 26	81,076 13	25,757 87	....
Missoula	165,762 46	223,839 73	58,077 27	....
Park	55,674 68	64,379 18	8,704 50	....
Silver Bow	125,000 00	77,281 11	....	47,718 89
Yellowstone	120,392 87	125,649 18	4,256 31	....
Totals	$1,609,322 66	$1,794,023 64	$216,289 75	$118,817 77

EXHIBIT C.

STATEMENT SHOWING THE CONDITION OF THE SEVERAL FUNDS AND THE AMOUNT CONTRIBUTED TO EACH BY THE RESPECTIVE COUNTIES.

COUNTIES.	General Fund.	Stock Inspection.	Stock Indemnity.	Sheep Inspection.	Auditor.	Secretary of State.	Boiler Inspection.	Escheats.	Totals.
Beaverhead	$ 7,131 80	$ 464 35	$ 63 97	$	$	$	$	$	$ 7,660 12
Choteau	17,633 63	592 83		86 28					18,312 74
Custer	9,097 35	1,923 79	625 44	103 68					11,750 26
Cascade	8,678 21	2,811 05	922 11	48 84					12,460 21
Dawson	1,985 27	187 94	62 31	72 06					2,307 58
Deer Lodge	33,749 89	753 49	252 00					601 88	35,357 26
Fergus	8,140 05	1,951 69	620 37	985 82				747 21	12,445 14
Gallatin	11,406 04		66 23	48 27					11,520 54
Jefferson	9,768 29	915 71	292 44	32 85					11,009 29
Lewis and Clarke	48,996 31	466 85	157 01	5 04	2,580 40	2,315 50			54,521 11
Madison	7,690 98	1,215 48	363 95					1,435 34	10,705 75
Meagher	8,391 51	1,128 15	398 82	598 06					10,516 54
Missoula	17,861 87		178 62					21,619 20	39,659 69
Park	11,391 67	4 56	54 28						11,450 51
Silver Bow	47,459 63	16 98	73 23	31			3,897 00		51,447 15
Yellowstone	6,181 80	928 61	58 62	272 31					7,441 34
Totals	$255,564 30	$13,361 48	$ 4,189 40	$ 2,253 52	$ 2,580 40	$ 2,315 50	$ 3,897 00	$ 24,403 63	$308,565 23

EXHIBIT D.

AMOUNT OF CLAIMS AGAINST THE STATE. (APPROXIMATED.)

Sheriff's claims for board in county jail		$ 8,727 95
Claims account requisition papers		652 70
Bounty certificates		11,501 00
State prison contractors—		
Prisoners at 70 cents per day	$19,250 00	
Prisoners at 65 cents per day	20,595 90	
		39,845 90
National Guard claims—		
Annual appropriation (company)	$ 6,750 00	
Other claims	7,012 50	
		13,762 50
State board of arbitration		290 40
Claims for printing		6,515 80
Claims for care and maintenance of the insane—		
Amount for maintenance	$69,065 97	
Amount for clothing and cash	1,330 50	
		70,396 47
Claims account of Legislature		2,325 30
Claims for transportation of deaf mutes from institutes to Montana, note given by State officers for amount—		
Amount of note	$ 700 00	
Interest	46 00	
		746 00
Claims on writs of habeas corpus		208 90
Claims for making arrest by warrant from lieutenant governor, (no certificate issued for this claim)		195 00
Rewards		1,000 00
		$156,168 42

EXHIBIT E.

HELENA, Montana, Dec. 23, 1890.

To His Excellency,

JOSEPH K. TOOLE,

Governor of Montana.

DEAR SIR—I have the honor to herewith submit for your consideration a statement of the business transacted by the district court of the first judicial district of the State, from the date of the admission of the State, November 8th, 1889, up to and including the 22d day of December, 1890. Court was regularly opened for business on November 9, 1889, and has continually been in session since that date, except upon holidays and during the month of August when I was out of the State.

I respectfully call your attention to the fact that there has been a steady increase in business for the past three years, and invite your attention to the volume of business which has been transacted during the past thirteen months as well as to the large number of cases still undisposed of, and which is increasing every day. During the time that I have occupied the bench I have done my utmost to dispose of the old cases which I found upon the calendar when the State was admitted. Many of these cases were important, and consumed much time and disposition.

The experience of the past thirteen months clearly demonstrates, I think, the need of another judge in this district. It is a very severe tax upon one man to hold court each and every day, and give to the important questions that consideration that is due to the propositions of law presented and that a judge feels he should and would like to give. I do not hesitate, therefor, to express to you my earnest hope that you may deem it fit to recommend to the legislature the enactment of a law by which there may be two judges and two departments of our district court.

I have conferred with nearly all the members of the bar and so far as I am able to judge their wish is unanimous for the relief suggested. As to the provisions of the law creating a new judgeship, it is unnecessary for me to make any suggestions, unless called upon to do so. I have the honor, sir, to remain your obedient servant.

WILLIAM H. HUNT,
Judge First Judicial District.

STATEMENT.

Civil cases on docket when State was admitted	501	
New cases since November 8, 1889	721	
Total number of civil cases		1,222
Criminal cases commenced since November 8, 1889	142	
Insane cases tried by juries, pursuant to law, from November 8, 1889	21	
		163
Total number of cases, civil, criminal and insane		1,385

CONTRA.

Civil cases disposed of and finally determined from November 8, 1889	580	
Criminal cases disposed of from November 8, 1889	141	
Insane cases disposed of from November 8, 1889	21	
Total number of cases entirely disposed of from November 8, 1889		742
Cases yet to be disposed of on the docket		643
		1,385

There have been also 71 new estates filed for probate from November 8, 1889.

On motion of Senator Hennessy, the joint convention dissolved and the Senate resumed.

On motion of Senator Buford, the Senate took a recess until 3 P. M.

3 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

On motion of Senator Buford, the following resolution was adopted:

Resolved, That when the proper standing committees shall have been appointed that the president appoint a committee of three whose duty shall be to distribute the various matters contained in the Governor's message to the appropriate committees.

On motion of Senator Matts, the President was requested to appoint a committee on mileage, and the President announced his attention of appointing said committee to-morrow morning.

On motion of Senator Thornton the Senate adjourned until 11 A. M. to-morrow.

THIRD DAY.

SENATE CHAMBER,
Helena, Montana, January 7, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the second day was read and approved.

Mr. President appointed Senators Matts, Becker and Thompson a committee on mileage.

On motion of Senator Thornton, the President appoined Senators Thornton, Parberry and Brown a committee on rules.

Senator Buford presented the following resolution:

Resolved, That Senators Gibson and Hoffman be appointed a joint committee with the House of Representatives on joint rules.

Senator Goddard moved to amend by adding to the committee the name of Senator Hedges. The resolution, as amended, was adopted.

On motion of Senator Thornton, the Secretary was instructed to procure proper stationery for the use of the Senate.

On motion of Senator Thornton, the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

FOURTH DAY.

SENATE CHAMBER,
Helena, Montana, January 8th, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the chaplain.

Journal of the third day was read and approved.

Senator Matts of Committee on mileage, presented a report, which by unanimous consent was withdrawn for the purpose of correction.

The following communication was received:

Mr. President:

I am directed by the House of Representatives to inform your honorable body that Representatives Higgins, Barrows and Frank have been appointed a joint committee to act in conjunction with a like Committee of the Senate on joint rules in compliance with resolution adopted by the Senate.

CHAS. Z. POND,
Chief Clerk.

The following report was received, which, on motin, was adopted:

Mr. President:

We, your Committee on Rules, for the government of the Senate, respectfully beg leave to report the rules of the last session of the Senate, and submit a copy of the same herewith, and we recommend that the Senate resolve itself into a Committee of the whole, for the consideration of the same.

W. M. Thornton,
Wm. Parberry,
L. A. Brown.
Committee.

Senator Brown moved a recess until 2 P. M.

Senator Goddard moved to amend, by taking a recess for 15 minutes. The amendment was lost, and the original motion was carried, whereupon the Senate took a recess until 2 P. M.

---

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

Senate resolved itself into a committee of the whole for the consideration of Senate rules—Senator Hoffman in the chair.

Senate resumed.

Mr. President in the chair.

Senator Hoffman, of the committee of the whole, reported progress, and asked leave to sit again, which was granted.

Mr. President announced a pair between Senators Hennessy and Thompson, until Monday afternoon.

On motion of Senator Thornton Senate adjourned until 11 A. M. to-morrow.

Jno. J. Fallon,
Secretary.

FIFTH DAY.

SENATE CHAMBER.
Helena, Montana, January 9th, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the preceding day was read and approved.

Senator Goddard asked leave of absence for the day for Senator Brown, which, by unanimous consent, was granted

Mr. President announced a pair between Senators Gibson and Power until Monday afternoon.

Senator Gibson presented a report of the Committee on Joint Rules.

On motion of Senator Thornton, the report was laid on the table until the Committee of the Whole, on Rules for the Senate, reported.

Senator Matts, of the Committee on Mileage, presented the following report, which, upon motion of Senator Thornton, was adopted.

To the Senate of the State of Montana:

Your Committee appointed to ascertain and report the number of miles actually traveled by the members of the Senate in going to and returning from the Seat of Government, together with the several amounts due the members for said mileage, beg leave to submit the following tabulated report:

Senator Baylies	Ubet to Helena	400 miles	$ 80 00
Senator Becker	Glendive to Helena	928 miles	185 60
Senator Brown	Home to Helena	302 miles	60 40
Senator Buford	Virginia City to Helena	350 miles	70 00
Senator Cardwell	Cold Springs to Helena	150 miles	30 00
Senator Gibson	Great Falls to Helena	198 miles	39 60
Senator Goddard	Billings to Helena	478 miles	95 60
Senator Hedges	Helena to Helena	2 miles	40
Senator Hennessy	Butte to Helena	144 miles	28 80
Senator Hoffman	Bozeman to Helena	198 miles	39 60
Senator Matts	Missoula to Helena	248 miles	49 60
Senator Parberry	White Sulphur Springs to Helena	160 miles	32 00
Senator Power	Fort Benton to Helena	284 miles	56 80
Senator Redd	Miles City to Helena	772 miles	154 40
Senator Thompson	Livingston to Helena	246 miles	49 20
Senator Thornton	Anaconda to Helena	198 miles	39 60
President Rickards	Butte to Helena	144 miles	28 80

Respectfully Submitted
E. D. Matts,
J. S. Thompson,
W. S. Becker.
Committee.

Upon motion of Senator Thornton, the Senate adjourned until 3 P. M., Monday.

Jno. J. Fallon,
Secretary.

EIGHTH DAY.

SENATE CHAMBER.

Helena, Montana, January 12th, 1891.

The Senate met pursuant to adjournment, at 3 P. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

The Journal of the Fifth day was read and approved.

On motion of Senator Thornton, Senator Brown, was, by the unanimous consent, of the Senate, excused for the day,

On motion of Senator Hedges, the Senate resolved itself into Committee of the Whole, for the consideration of Senate rules.

Senator Hoffman in the chair.

Senate Resumed.

Mr. President in the chair.

The Committee of the Whole arose, and Senator Hoffman reported progress and asked for further time, which was granted

The following communication was received from the House:

Mr. President.

I am ordered by the House of Representatives to notify your Honorable body that the Joint Rules of the Senate and House of Representatives have been adopted by the House.

Yours Respectfully
CHAS. Z. POND,,
Chief Clerk.

On motion of Senator Gibson, the report of the Committee on Joint Rules, was taken from the table and read.

On motion of Senator Thornton, the Senate resolved itself into Committee of the Whole, to consider Joint Rules.

Senator Thornton, in the chair.

Senate resumed.

Mr. President in the chair.

Committee of the Whole arose, and Senator Thornton reported progress requesting time to report, which was granted.

On motion of Senator Hedges, the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

NINTH DAY.

SENATE CHAMBER,
Helena, Montana, January 13th, 1891.

Senate met pursuant to agreement at 11 A. M.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the eighth day was read and approved.

Senator Hoffman, Chairman of the Committee of the Whole, presented the following report of Committee on Senate rules, which was read section by section.

Mr. President:

Your Committee of the Whole, who have had under consideration the rules of the Senate, beg leave to report them back with amendments, and recommend that they be adopted as recommended.

C. W. HOFFMAN,
Chairman.

RULES OF THE SENATE, SECOND LEGISLATIVE ASSEMBLY, STATE OF MONTANA.

Rule 1. Hours of Meeting—The hours of meeting of the Senate shall be 10 o'clock A. M. and 2 o'clock P. M., unless otherwise specially ordered by vote of the Senate.

Rule 2. Call of the Senate—The President shall call the Senate to order at the stated hour, and after roll call and prayer by the Chaplain the Journal of the preceding day shall be read, corrected and approved.

Rule 3. President pro tem—The President pro tem shall, in the absence of the President, take the chair and call the Senate to order at the hour of meetings of the Senate. When the Senate is equally divided the Secretary shall take the decision of the President.

Rule 4. Absentees—No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent Senators as the majority of such Senators present shall agree, at the expense of such absent Senators respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and this rule shall apply as well to the first meeting of the Senate, at the legal time of meeting as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or if less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have the power to use such force as may be necessary to compel attendance of such absent Senator, and for this purpose he may command the force of the county or any county in the State.

Rule 5. Order of Business—After the reading and approving of the journal the order of business shall be as follows:

1. Presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Messages from the House of Representatives.
6. Introduction of bills.
7. First reading of bills.
8. Second reading of bills.

9. Motions, resolutions and notices.
10. Business on general file, and third reading of bills.
11. Unfinished business of the preceding day
12. Special orders of the day.
13. Reports of the Committee on Enrollment and Engrossment shall at all times be in order.

Provided, That messages from the Governor, State officers, and from the House of Representatives, may, on motion from any Senator, be considered at any time.

Rule 6. Introduction of Bills.—All bills, resolutions, reports and papers, when introduced, shall be endorsed with the name of the Senator, or Committee, presenting the same to the Senate.

Rule 7. Three Readings of Bills.—Every bill, memorial, or joint resolution requiring the signature of the Governor, shall receive three several readings previous to its passage. And the President shall give notice at each reading whether it be the first, second or third reading. But no such bill, memorial or joint resolution, shall receive a second and third reading on the same day.

Rule 8. Commitments.—No bill or joint resolution shall be committed or amended until it has been twice read. If objecttions are raised to the bill on its first reading, the question shall be "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading, without further question.

Rule 9. Bill or memorial, requiring three Readings.—On the second reading, every bill or memorial requiring three readings, shall be referred to the appropriate standing committee, which shall be announced by the President, unless the Senate, on motion, make a different order in relation thereto.

Rule 10. Printing of Bills and Papers.—Two hundred copies of every bill, memorial, or joint resolution requiring three readings, shall be printed after a second reading, unless otherwise ordered. And all bills, memorials or resolutions, that shall be printed, shall remain at least one day on the files, after being printed, before being considered. *Provided*, that under no circumstances shall the original bill be placed in the hands of the printer, but a true copy thereof shall be made under the direction of the Printing Committee, and forthwith, by that Committee, delivered to the printer.

Rule 11. Bills to be read twice at length.—The first and third reading of every bill, resloution, or memorial, shall be at length, unless the Senate by a two-thirds vote shall dispense with one reading at length; and in no case of bills appropriating money shall the requirement of two readings at length be dispensed with, without the unanimous consent of the Senators present. The second reading of every bill resolution or memorial, shall be by its title.

Rule 12. Engrossment of Bills.—The final question upon the second reading of every bill or other paper, originating in the Senate, and requiring three readings previous to being passed, shall be, "Shall it be engrossed and read a third time?" And upon every such bill or paper originating in the House of Representatives, "Shall it be ordered to a third reading?" And no amendments shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

Rule 13. Question on Passage of Bills.—Upon a third reading of a Senate bill, the question shall be stated thus: "This bill having been read three several times, the question is, "*Shall the bill pass?*" Upon the third reading of the House bills, the question shall be stated thus: "This bill having been read three several times, the question is, "*Shall the bill be concurred in?*"

Rule 14. Bills, Amendments and Resolutions engrossed.—All bills, amendments and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the House of Representatives, with the proper endorsement, and the original retained by the Senate.

Rule 15. General File.—All bills having received two readings and reported back by a committee shall constitute the General File. Bills in the General File shall be arranged there-

—5

in by the Secretary in the order in which they are reported, or referred thereto as aforesaid, and shall be considered in the same order unless the Senate shall direct otherwise.

Rule 16. Bill or Resolution, open to amendment.—Substitutes may be offered at any time when a bill or resolution is open to amendment previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

Rule 17. Motion or Proposition, on subject different.—No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

Rule 18. Largest Sum and Longest Time.—In filling up blanks the largest sum or number and the longest time shall be put first.

Rule 19. Amendment to Constitution or Bill.—When an amendment to the Constitution of any bill, requiring the concurrence of two-thirds of the Senators, is under consideration the concurrence of two-thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

Rule 20. Standing Committees:

1. Agriculture and Manufactures, to consist of three members.
2. Commerce and Navigation, to consist of three members.
3. Mileage, to consist of three members.
4. Corporations, other than municipal, to consist of five members.
5. Counties, Towns and Municipal Corporations, to consist of five members.
6. Education, to consist of three members.
7. Engrossed Bills, to consist of three members.
8. Enrolled Bills, to consist of three members.
9. Federal Relations, to consist of five members.
10. Finance and Claims, to consist of three members.
11. Judiciary, to consist of five members.
12. Military Affairs, to consist of three members.
13. Mines and Mining, to consist of five members.

14. Public Buildings, Hospitals, Prisons and Asylums, to consist of five members.
15. Public Lands, to consist of five members.
16. Public Morals, to consist of three members.
17. Printing, to consist of three members.
18. Roads, Highways and Bridges, to consist of five members.
19. Libraries, to consist of three members.
20. Irrigation and Water Rights, to consist ot five members.
21. Fish and Game, to consist of three members.
22. Elections and Privileges, to consist of five members.
23. Labor and capital, to consist of five members.
24. Stock Growing and Grazing, to consist of three members.
25. Immigration, to consist of five members.
26. Apportionment and Representation, to consist of five members.
27. Rules to consist of three members.

Rule 21. Committees of the Senate—All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be elected by the Senate, unless otherwise specially ordered.

Rule 22. No committee Shall Elect Clerk—No committee, standing or special, shall elect a clerk without first obtaining the consent of the Senate.

Rule 23. Order to Refer—When a resolution shall be offered or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

Rule 24. Order of Precedence—When a question is under debate no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.

5. To commit.
6. To Amend.
7. To postpone indefinitely.

Rule 25. Debatable Motions—No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be redneed to writing if desired by the President, or any Senator, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

Rule 26. When Reading of a Paper is Called For—When the reading of a paper is called for (except petitions), and the same objected to by any Senator, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution or amendment, or other proposition which may be at the time directly under consideration.

Rule 27. When a Senator Shall Speak—Every Senator when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill without leave; and Senators who have once spoken shall not again be entitled to the floor, except for explanation to the exclusion of another who has not spoken.

Rule 28. Who Shall Speak—When two or more Senators rise at once, the President shall name the Senator who is to speak first.

Rule 29. When Called to Order—When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If the Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

Rule 30. Previous Question—The previous question shall be in this form: "Shall the main question be now put." It shall only be admitted when demanded by a majority of the Senators present upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of the Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question. If the previous question is negatived, the Senate shall proceed in the same manner as if the motion had not been made.

Rule 31. No Debate on Motion for Previous Question—On a motion for the previous question, and under the previous question, there shall be no debate. An all incidental questions of order arising after a motion is made for the previous question (or while acting under the previous question), shall be decided, whether on appeal or otherwise, without debate.

Rule 32. When Ayes and Noes called for—When the ayes and noes shall be called for by two members present, every member within the bar of the Senate at the time the question was put, shall declare openly and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

Rule 33. Senator Absent Without Bar of Senate—Whenever any Senator is absent without the bar of the Senate when his name is called, on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the Senators present, nor shall a Senator be counted on a division of a vote, who is absent without the bar of the Senate without leave.

Rule 34. Motion to Reconsider—On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *Provided*, Notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

Rule 35. No Report to be Made to House—If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the House of Representatives till the reconsideration is disposed of, or the time for moving the same has expired.

Rule 36. Titles of Bills to be Inserted in Journal—The titles of bills, and such parts thereof only as shall be effected by proposed amendments, shall be inserted in the Journal.

Rule 37. Proceedings of the Senate to be Entered in the Journal—The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings, but every vote of the Senate shall be entered on the Journal and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted in the Journal.

Rule 38. Rules of the Senate, in Committee of the Whole—The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

Rule 39. Cushing's Law and Practice—In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

Rule 40. Rules, When can be Changed—No standing rule or order of the Senate shall be rescinded or changed without the concurrence of a majority of the Senate, and one day's notice being given of the motion therefor which motion shall embrace the proposed amendment; but a rule or order may be suspended temporarily by a vote of two-thirds of the Senators present, except rules or orders relating to the final passage of bills. All proposed amendments of any proposed new rules shall be referred to the Committee on Rules without debate.

Rule 41. Rooms, Passages and Buildings of Senate, Under Control of President—The rooms, passages and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have control and direction of the journals, papers and bills of the Senate; he shall see that all the officers of the Senate perform their respective duties, and may assign places to reporters.

Rule 42. Disturbance or Disorderly Conduct in Lobbies—In case of a disturbance, or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have the power to order the same to be cleared.

Rule 43. President's Right to Name Senator to the Chair—The President shall have the right to name any Senator to perform the duties of the chair, who is hereby vested during such time with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

Rule 44. Messengers Introduced—Messengers are introduced in any state of business, except while a question is being put, where the ayes and noes are being called, or while the ballots are being counted.

Rule 45. Duty of Doorkeeper, and Sergeant-at-Arms in preserving order.—It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the House of Representatives, state officers, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and it shall be the duty of the Sergeant-at-Arms to arrest for contempt all personsoutside the bar, or in the gallery found engaged in loud conversation or otherwise making a noise to the disturbance of the Senate.

Rule 46. Nominations from the Governor.—When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

Rule 47. Secret Session.—On a motion, made and seconded, to close the door of the Senate on the discussion of any business, which may in the opinion of the Senate require secrecy, the President shall require all persons except the members, and Secretary of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officers of the Senate shall keep secret all such matters, proceedings and things, whereof secrecy shall be enjoined by order of the Senate.

Rule 48. Engrossing and Enrolling Bills.—All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk; and all Senate bills shall, after their final passage by and receipt from the House, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the House of Representatives, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

Rule 49. Privilege of closing debate.—The author of a bill, motion, or resolution shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule 50. Time all Committees shall report.—All committees of the Senate shall report their action on all bills or matters referred to them within five days after reference, unless at the request of the Committee further time be granted.

On motion of Senator Brown, the report of the Committee on Senate rules was adopted.

Senator Thornton, Chairman of Committee of the Whole, presented the following report of the Committee on Joint rules:

Mr. President.

Your Committe of the Whole having had under consideration the Joint Rules of the Senate and House of Representatives beg leave to report them back and recommend that they be adopted.

W. M. THORNTON,
Chairman.

Mr. President:

We, your Committee on Joint Rules, beg leave to report the rules herewith submitted for the consideration of the Senate.

PARIS GIBSON,
C. M. HOFFMAN,
CORNELIUS HEDGES.
Committee.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

No. 1. Time of Opening and Closing—The Chamber of the Senate and the Hall of the House of Representatives shall be open from 8 o'clock A. M. until 11 o'clock P. M., of each day during the sessions, unless by resoluton of the Senate its Chamber, or by resolution of the House, its Hall shall be closed.

No. 2. Messages, How to be Transmitted—Messages shall be transmitted between the two Houses by the Sergeant-at Arms or his assistants, or by such other officer as either House may designate, which messages shall keep each House informed with promptness of all notices given, and bills introduced, and of the general condition and state of the business of the other, and such messages shall be in writing.

No. 3. Announcement of Messages—When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent by the Sergeant-at-Arms, or his asssistants, and shall be respectfully communicated to the presiding officer by the person by whom it is sent.

No. 4. Transmission of Papers—Each House shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded.

No. 5. Printing of Bills and Resolutions—When any bill, memorial or resolution, is ordered to be printed, sufficient number of copies shall be printed for the use of both Houses and the quota for each House delivered to its Sergeant-at-Arms.

No. 6. Documents Ordered Printed to be Communicated to Each House—It shall be the duty of the Chief Clerk of the House of Representatives and the Secretary of the Senate when any document is ordered to be printed in their respective Houses forthwith to communicate such order to the other House.

No. 7. Notice of Rejection of Resolutions and Memorials—When any bill, joint resolution or memorial which shall have passed in one House is rejected in the other, notice of said rejection shall be given to the House which has passed the same.

No. 8. Five Days Notice and Consent of Two-Thirds Vote—When a bill, resolution or memorial which shall have been passed in one House is rejected in the other, it shall not again be introduced during the session without five day's notice and consent of two-thirds of the members voting thereon.

No. 9. Title and Number of Bills—The title of every bill shall briefly state its general object, and every bill shall be numbered by the Clerk, and the title thereof, and the name of the member or committee introducing the same shall be endorsed thereon.

No. 10. Journal to Give Title and Number of Bills—The Journal of each House shall give the title and number of each bill, joint resolution or memorial; but the second and all subsequent reference shall be complete when referred to by its number.

No. 11. Enrollment of Bills—When a bill has passed both Houses it shall be duly enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the Clerk thereof.

No. 12. Duties of Enrolling and Engrossing Clerks—The Enrolling and Engrossing Clerks of the two Houses, under the direction of the presiding officer of each House, respectively, when not engaged in enrolling and engrossing bills, shall assist the several select or standing committees.

No. 13. Examination of Enrolled Bills—When bills are enrolled they shall be examined by a joint committee of three from the Senate and three from the House, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

No. 14. Signing of Enrolled Bills by Presiding Officers—Each enrolled bill shall be signed first by the presiding officer of the House in which it originated, and then by the presiding officer of the other branch of the Legislative Assembly in the presence of their respective Houses while in session.

No. 15. Notice of Signing Bills to be Given by Presiding Officer—Upon the presentation of an enrolled bill by the Enrolling Committee of either House, to the presiding officer for his signatnre thereto, he shall arise in his place and give notice that he is about to sign the same, giving the title thereof; whereupon, if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officers signing the same shall be of any avail, if the same conforms to the engrossed bill as it passed both Houses.

No. 16. Bills for Governor's Approval—After the bill shall have been signed in each House, it shall be presented by the Joint Committee of Enrollment to the Governor for his approval, taking his receipt therefor, and said committee shall forthwith report to their respective Houses the day and hour of presentation, which shall be entered upon the Journal of such House.

No. 17. Memorials to Congress to be Enrolled—All memorials to Congress, or to any officer or other authority of the Government, after they shall have passed both Houses, shall be enrolled, signed by the presiding officer of the respective Houses, and shall be transmitted by the Chief Clerk of the House, in which they originated to the President of the Senate, the Speaker of the House of Representatives, or to the authority memorialized, and a copy to our Senators, and Representatives in Congress.

No. 18. Joint Resolutions and Memorials to be Filed with Secretary of State—Whenever a joint resolution or memorial shall have passed both Houses, of the Legislative Assembly, an enrolled copy thereof duly signed by the Speaker of the House of Representatives and the President of the Senate, shall be filed in the office of the Secretary of the State by the Chief Clerk of the House in which the same originated.

No. 19. Conference in Case of Disagreement Between Houses—In every case of disagreement between the Senate and the House of Representatives, if either House requests a conference and appoints a committee for that purpose, the other shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their chairman and, having conferred freely, each shall report to their respective bodies the result of their conference.

No 20. Chairman of Joint Committees—In joint committees, standing or special, the Chairman of the Senate Committee shall be Chairman of the Joint Committee.

No. 21. Repealing of Joint Rules—No joint rules shall be repealed, amended or suspended except by a two-thirds vote in each House.

PARIS GIBSON,
Chairman.

On motion of Senator Buford, the report of the Committee on Joint rules was adopted.

On motion of Senator Hedges, the Secretary was instructed to have 200 copies of the Senate, and Joint rules printed together.

On motion of Senator Hoffman, the Secretary was instructed to see about getting Lights placed in the Senate Chamber.

On motion of Senator Brown, the Secretary was instructed to obtain files for each Senators Desk, either from the State Officers, or purchase them.

On motion of Senator Parberry, the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

TENTH DAY.

SENATE CHAMBER.

Helena, Montana, January 14th, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Ninth day was read and approved.

The president then announced the following standing Committees:

1. Agriculture and Manufactures—Gibson, Hoffman and Baylies.

2. Commerce and Navigation—Buford, Becker and Power.

3. Mileage—Matts, Becker and Thompson.

4. Corporations other than Municipal—Hennessy, Hoffman, Hedges, Gibson and Powers.

5. Counties, Towns and Municipal Corporations—Thornton, Gibson, Brown, Goddard and Cardwell.

6. Education—Hedges, Parberry and Brown.

7. Engrossed Bills—Buford, Becker and Baylies.

8. Enrolled Bills—Thompson, Becker and Thornton.

9. Federal Relations—Cardwell, Gibson, Hedges, Matts and Brown.

10. Finance and Claims—Thornton, Gibson, Hennessy, Thompson, Power.

11. Judiciary—Goddard, Matts, Hedges, Gibson and Parberry.

12. Military—Hoffman, Hennessy and Redd.

13. Mines and Mining—Hennessy, Brown, Hoffman, Thornton and Thompson.

13. Public Buildings, Hospitals, Prisons and Asylums—Gibson, Hoffman, Thornton, Thompson and Power.

15. Public Lands—Hoffman, Baylies, Cardwell, Redd and Buford.

16. Public Morals—Hedges, Goddard and Parberry.

17. Printing—Becker, Buford and Thompson.

18. Roads, Highways and Bridges—Becker, Redd, Thornton, Hennessy and Parberry.

19. Libraries—Redd, Thornton and Buford.

20. Irrigation and Water Rights—Parberry, Brown, Cardwell, Redd and Baylies.

21. Fish and Game—Redd, Parberry and Cardwell.

22. Elections and Privileges——Parberry, Goddard, Matts. Baylies and Redd.

23. Labor and Capital—Power, Hennessy, Becker, Buford and Brown.

24. Stock Growing and Grazing—Baylies, Cardwell and Parberry.

25. Immigration—Brown, Redd, Goddard, Buford and Matts.

26. Apportionment and Representation—Matts, Hoffman, Goddard, Hennessy and Power.

27. Rules—Cardwell, Hennessy and Hedges.

Special Committee for Dividing and Distributing Governor's Message—Buford, Hoffman and Goddard.

Senator Thornton introduced the following resolution and moved its adoption:

Resolved, That the following hereby constitute the Standing Committees of the Senate of the Second Session of the Legislative Assembly.

1. Agriculture and Manufactures—Gibson, Hoffman and Baylies.

2. Commerce and Navigation—Buford, Becker and Power.

3. Mileage—Matts, Becker and Thompson.

4. Corporations other than Municipal—Hennessy, Hoffman, Gibson, Hedges and Goddard.

5. Counties, Towns and Municipal Corporations—Gibson, Thornton, Cardwell, Hedges and Brown.

6. Education—Hedges, Parberry and Goddard.

7. Engrossed Bills—Thompson‘ Becker and Buford.

8. Enrolled Bills—Becker Cardwell and Powers.

9. Federal Relations—Cardwell, Matts, Gibson, Hedges and Brown.

10. Finance and Claims—Thornton, Hennessy, Matts, Brown and Baylies.

11. Judiciary—Matts, Gibson, Parberry. Hedges, and Goddard.

12. Military—Redd, Hoffman and Power.

13. Mines and Mining—Hennessy, Hoffman, Thornton, Brown and Baylies.

13. Public Buildings, Hospitals, Prisons and Asylums—Thornton, Hoffman, Redd, Brown and Power.

15. Public Lands—Hoffman, Matts, Parberry, Hedges and Brown.

16. Public Morals—Goddard, Baylies and Redd.

17. Printing—Becker, Cardwell and Thompson.

18. Roads, Highways and Bridges—Brown, Goddard, Buford Cardwell, and Becker.

19. Libraries—Power, Baylies and Buford.

20. Irrigation and Water Rights—Parberry, Thornton, Hoffman, Goddard and Brown.

21. Fish and Game—Redd, Parberry and Thompson.

22. Elections and Privileges—Parberry, Redd, Matts, Goddard, Thompson.

23. Labor and Capital—Baylies, Power, Hennessy, Buford and Becker,

24. Stock Growing and Grazing—Cardwell, Buford and Baylies.

25. Immigration—Buford, Brown, Hedges, Gibson and Redd.

26. Apportionment and Representation—Hoffman, Thornton, Hennessy, Power and Thompson.

27. Rules—Hennessy, Cardwell and Hedges.

The President ruled the resolution out of order on the grounds that Rule 21 of the Senate rules provided that the chair should appoint all standing committees unless otherwise ordered.

Senator Thornton moved that Rule 21 be suspended, the ayes and nays being called for the motion failing to receive a two-thirds vote was lost by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Hennessy, Hoffman, Matts, Parberry, Redd, Thornton—10.

Nays—Baylies, Brown, Goddard, Hedges, Power, Thompson—6.

Senator Thornton then appeared from the decision of the Chair, upon declaring a motion to adopt the resolution, out of order. The question being put "Shall the decision of the chair be sustained?" the chair was overruled by the following vote: Ayes—Baylies, Brown, Goddard, Hedges, Power, Thompson—6.

Nays—Becker, Buford, Cardwell, Gibson, Hennessy, Hoffman, Matts, Parberry, Redd, Thornton—10.

The resolution was then adopted by the following vote:

Ayes—Becker, Buford, Cardwell Gibson, Hennessy, Hoffman, Matts, Parberry, Redd, Thornton—10.

Nays—Baylies, Brown, Goddard, Hedges, Power, Thompson—6.

EXECUTIVE OFFICE,
Helena, Montana, January 12, 1891.

To the President of the Senate:

I have the honor to transmit herewith an estimate of the amount of money required to be raised by taxation for all purposes of the State.

This estimate should be doubled to cover expenses of the State until January. 1893, less estimates for legislature, code commission and printing of code, amounting to $47,370.00.

JOS. K. TOOLE,
Governor.

EXECUTIVE OFFICE,
Helena, Montana, February 12th, 1891.

To the President of the Senate:

I have the honor to herewith transmit the annual report of the Adjutant General of the Montana Militia.

JOS. K. TOOLE,
Governor.

EXECUTIVE OFFICE,
Helena, Montana, February 12th, 1891.

To the President of the Senate:

I have the honor to invite the attention of the Senate to the enclosed communication from the commissioners of the World's Columbian Exposition.

It presents in detail the advantages of such an exhibition and appeals strongly to our pride and patriotism for a creditable display of our resources.

I have heretofore referred to the subject with approval.

Jos K. Toole,
Governor.

Executive Office,
Helena, Montana, January 12th, 1891.

To the President of the Senate:

I have the honor to herewith transmit the first annual report of the State Board of Pardons.

Jos. K. Toole,
Governor.

Executive Office,
Helena, Montana, January 12th, 1891.

To the President of the Senate:

I have the honor to transmit herewith copy of the report of the Board of State Medical Examiners.

Jos. K. Toole,
Governor.

Executiae Office,
Helena, Montana, February 12th, 1891.

To the President of the Senate:

I have the honor to transmit herewith the report of the Secretary of State, ("Annual Report"), pursuant to the Constitution.

Jos. K. Toole,
Governor.

EXECUTIVE OFFICE,
Helena, Montana, February 12th, 1891.

To the President of the Senate:

I have the honor to transmit herewith the annual report of the State Boiler Inspector for the year 1890.

Jos. K. Toole,
Governor.

EXECUTIVE OFFICE.
Helena, Montana, February 12th, 1891.

To the President of the Senate:

I have the honor to transmit herewith the annual report of Messrs. Mitchell and Mussigbrod, contractors for the care of the insane.

Jos. K. TOOLE,
Governor.

EXECUTIVE OFFICE.
Helena, Montana, February 12th, 1891.

To the President of the Senate:

I have the honor to transmit herewith two reports of the State Veterinarian, as required by the Constitution.

Jos. K. TOOLE,
Governor.

EXECUTIVE OFFICE,
Helena, Montana, February 12th, 1891.

To the President of the Senate:

I have the honor to transmit herewith copy of the first annual report of the contractors for the maintenance of State convicts; and also a copy of the contract entered into with Messrs. Conley and McTague for the keeping of said convicts.

Jos. K. TOOLE,
Governor.

EXECUTIVE DEPARTMENT,
Helena, Montana, February 12, 1891.

To the President of the Senate:

I have the honor to transmit herewith a report of all moneys paid out by this office for office expenses and a report of all expenditures for other purposes with accompanying vouchers.

JOS. K. TOOLE,
Governor.

The estimates of the expenses of the State for 1891, and to cover outstanding claims against the State, submitted by the Governor and also, the report of the Worlds Columbian Fair Commissioners and also, the report of the Secretary of the State, also the statement showing the expenses of the Executive Office for the year ending December 31st 1890 were referred to the Committee on Finance and Claims.

The Bi-ennial report of the Adjutant General of the Montana Militia was referred to the Committee on Military affairs.

First Annual report of the State Board of Pardons, also the report of the State Board of Medical Examiners, also, copy of contract for the Keeping of Convicts in the State Penitentiary with report of the Penitentiary contractors, also, the report of Messrs. Mussigbrod and Mitchell on Insane Asylum were referred to the Committee on Public Buildings, Hospitals and Asylums.

The report of the Boiler Inspector was referred to the Committee on Mines and Mining.

The report of the Veterinary Surgeon was referred to the Committee on Grazing and Stock growing.

The report of the Attorney General was referred to the Committee on Judiciary.

On motion of Senator Hoffman the following resolution was adopted:

Resolved, That the Secretary of the Senate be instructed to procure from the Secretary of State the Journal of the Session of the last Senate.

Senator Hedges moved that the President of the Senate appoint a Special Committee of three to distribute the matters contained in the Governor's Message.

The President announced to the Senate that he would respectfully decline to appoint such a committee.

Senator Thornton moved to amend by naming as such Committee Senators Hedges, Cardwell and Gibson. The motion as amended was adopted.

The following communication was received:

Mr. President:

I am directed by the House of Representatives to inform your Honorable body, that the House has passed the following resolution and appointed Messrs. Toole, Carney and Burns as Committee to confer with a like Committee of the Senate and the House asks that the Senate take action upon the resolution.

Be it Resolved, That the Speaker of the House of Representatives appoint a Committee to confer with a like Committee of the Senate for the purpose of jointly dertermming, the number, duties and compensation of the officers and employees of each House, as provided for in Article 5 Sec. 28 the Constitution.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Senator Hennessy, in conformity with the resolution recited in the foregoing communication, Senators Matts, Buford and Redd were appointed a committee on the part of the Senate. Senator Brown had asked to be excused and Senator Goddard declined to serve on same.

On motion of Senator Hennessy the list of standing committees were referred to the Committee on Printing, with instructions to have the same printed.

On motion of Senator Thornton the Senate took a recess until 3 P. M.

3 P. M.

Senate resumed.

Mr. President in the chair.

Senator Matts presented the following notice.

Mr. President:

"I hereby give notice that on to-morrow, or some subsequent day, I will offer and move the adoption of the following as a substitute for Rule 21 of the Senate Rules, to-wit:

"Rule 21. All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be elected by the Senate, unless otherwise specially ordered, and a majority of the Senate may at any time change the membership of any committee, by giving one day's notice thereof."

E. D. MATTS.

On motion of Senator Hoffman the following resolution was adopted:

Resolved, That Senators Matts, Hennessy and Gibson be appointed as a committee to examine that portion of the Journal of the last Session of the Senate, relating to fines imposed upon certain Senators, and they shall report the same back to the Senate, with any recommendation that they may deem just and proper.

By mutual consent the President announced a Pair between Senators' Brown and Hoffman until next Monday afternoon.

On motion Senator Thornton, the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

ELEVENTH DAY.

SENATE CHAMBER,
Helena, Montana, January 15th, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the Tenth day was read and approved.

Senator Hennessy asked to be excused from serving on the Committee appointed to investigate the Journal of the Session of the last Senate, and asked that Senator Buford be substituted. By unanimous consent the request was granted.

Senotor Matts offered the following substitute for Rule 21, Senate rules, which was referred to the Committee on Rules.

Mr. President:

I hereby move the adoption of the following, as a substitute for Rule 21 of the Senate Rules, pursuant to notice given yesterday.

Rule 21. All committees of the Senate, special and standing, and all joint committees on the part thereof, shall be elected by the Senate, unless otherwise specially ordered, and a majority of the Senate may at any time change the membership of any committee, by giving one day's notice thereof.

[SIGNED.] E. D. MATTS.

On motion of Senator Buford, the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

TWELFTH DAY.

SENATE CHAMBER,
Helena, Montana, January 16, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the eleventh day was read and approved.

Mr. President announced that by the consent of the Senate Senators Gibson and Power were excused until Monday afternoon's session, a pair having been arranged between them.

Senator Thornton asked the Senate to excuse Senator Hennessy until Monday, which, by unanimous consent, was granted.

Senator Cardwell asked to be excused until Monday, which, by unanimons consent of the Senate, was granted.

Senator Thompson asked to be excused until Monday, which, by unanimous consent of the Senate, was granted.

Senator Goddard asked that the Secretary be instructed to read that portion of the committee's proceedings of Wednesday's session relating to the appointment of a Joint Committee with the House to determine the number, duties and compensation of the officers of both houses, and moved that they be corrected to show that Senator Brown asked to be excused and Senator Goddard declined to serve on the committee.

The motion was put by the President, who was unable to decide the result.

Senator Thornton called for a division,

Senator Goddard called for the ayes and nays.

The ayes and and nays were taken with the following result:

Those voting in the affirmative were Baylies, Becker, Buford' Cardwell, Goddard, Hedges, Matts, Parberry, Redd, Thompson—10.

Thornton voted in the negative.

Absent—Brown, Gibson, Hennessy, Hoffman, Power—5.

Hedges presented the following report of the Select Committe on distribution and reference of matters contained in the Governor's message:

LEGISLATIVE ASSEMBLY, STATE OF MONTANA.

SENATE CHAMBER.

Helena, Montana, January 16th, 1891.

To the Senate:

Your Committee on Distribution and Reference of Matters in the Governor's Message, hereby report and recommend as follows:

That so much as relates to the State levy be referred to Committee on Finance and Claims.

That on contract for Penitentiary, and future support, be referred to Committee on Finance.

That so much as relates to present contract for support of the insane, and amount due therefor, be referred to Committee on Finance, and so much as refers to future provisions, to the Committee on Public Buildings and Asylums.

That so much as refers to other classes of unfortunates, be referred to the same committee.

That so much as refers to the State Armory, be referred to the Committee on Finance.

That so much as refers to the location and provision of other buildings, be referred to the Committe on Public Buildings.

That so much as refers to the Militia, be referred to the Committee on Military Affairs.

That so much as relates to providing offices for State officials, be referred to Committee on Finance and Claims.

That so much as relates to changing the time when taxes shall become delinquent, be referred to the Committee on Judiciary.

That so much as refers to the State Board of Equalization, be referred, with the recommendations, to the Judiciary Committee, also to the same committee, so much as refers to the State Board of Pardons.

That so much as relates to the State Board of Education, be referred to the Committee on Education.

That so much as refers to the State Board of Examiners, and Prison Commissioners, be referred to the Judiciary Committee.

That so much as refers to the Bureau of Labor and Industry, be referred to the Committee on Labor and Capital.

That so much as relates to the office of Public Examiner, be referred to the Committee on Judiciary.

That so much as relates to Apportionment and Representation, be referred to the Committee of the same name.

That so much as relates to the compensation of the members of Legislature, be referred to the Committee on Finance.

That so much as relates to the public lands, be referred to the Committee of that name.

That so much as relates to an Agricultural College, be refererd to the Committee on Education.

That so much as relates to railroad grants and mineral lands, be referred to the Committee on Public Lands.

That so much as relates to desert lands and irrigation, be referred to the Committee on Irrigation and Water Rights.

That so so much as refers to Indian reservations, be referred to the Committee on Federal Relations.

That so much as refers to the distribution of water, be referred to the Committee on Irrigation and Water Rights.

That so much as refers to exemption laws, be referred to the Judiciary Committee.

That so much as refers to public printing, be referred to the Judiciary Committee; also to the same Committee, what relates to the Supreme Court, and the Clerk of the Supreme Court.

Also to the same Committee, so much as relates to District Courts.

That so much as relates to the Code Commission, be referred to the Judiciary Committee.

That so much as relates to Public Schools, be referred to the Committee on Education.

That so much as relates to fees of county officers, be referred to the Committee on County, Towns and Municipal Corporations.

That so much as refers to Corporations, be referred to Committee on Corporations other than Municipal.

That so much as relates to the changes of registration, purity of the ballot, presidential electors, be referred to Judiciary Committee.

Also that which relates to Notaries, and rewards to the same Committee.

That so much as relates to Prairie and Timber Fires, be referred to the Committee on Stock growing and Grazing.

That so much as relates to Lotteries and Gift Enterprises, be referred to the Committee on Public Morals.

That so much as relates to Uniformity of Laws, be referred to the Judiciary Committee.

And that relating to Expenses of the Constitutional Convention, to the Committee on Finance.

And that which relates to Constitutional Amendments, to the Judiciary Committee.

That so much as relates to the Columbian Exposition, be referred to the Committee on Immigration.

Respectfully submitted,
HEDGES,
CARDWELL,
GIBSON,
Committee.

The following communication was received from the House:

Mr. President:

I have the honor to transmit to your honorable body, House Concurrent Resolution No. 1: "Be it resolved, by the House of Representatives, the Senate concurring, that the Committee of Ways and Means of the House, acting with a like committee to be appointed by the Senate, constituted a joint committee of the two bodies with full power to proceed to Deer Lodge, with an architect, to be employed by them, and examine the the penitentiary premises and grounds, and report to the respective Houses what in their opinion is necessary to be done in reference thereto, to provide proper and necessary improvements thereon for the necessities of the State in that respect."

BEACH,
Chairman of Committee of Ways and Means.

Yours Respectfully
CHAS. Z. POND,,
Chief Clerk.

Senator Buford moved that Senators Thornton, Redd and Baylies, be appointed the committee in conformity with the foregoing communication.

Mr. President ruled the motion out of order.

The following messages were received from the House.

HELENA, MONTANA, JANUARY 15, 1891.

Mr. President:

I have the honor to inform your honorable body that the following bills have been introduced in the House of Representatives:

H. B. No. 1—Introduced by Wallace:

A bill for an act entitled Interest.

H. B. No. 2—Introduced by Wallace:

A bill for an act entitled An Act Regulating the Payment of Labor on, or Materials Furnished to Railways.

H. B. No. 3—Introduced by Wallace:

A bill for an act entitled An Act Defining Embezzlement.

H. B. No. 4—Introduced by Wallace:

A Bill for An act entitled An Act Concerning Notaries Fees.

H. B. No. 5—Introduced by Beach:

A bill for an act entitled An Act Requiring all County and District Officers to report the Fees and Emoluments received by them to the County Commissioners and requiring the County Clerks to report the substance, thereof, to the State Auditor and for the publication of the same.

H. B. No. 6—Introduced by Frank:

A bill for an Act to Provide an Additional Judge for the District Courts in the First and Second Judicial Districts of the State of Montana.

H. B. No. 7.—Introduced by Wallace:

A bill for an act entitled An Act Concerning Executions.

H. B. No. 8—Introduced by Whaley:

A bill for an act to amend an act entitled An Act to Provide for the Printing and Distributing Ballots at the Public Expense and to Regulate Voting at State and other Elections.

H. B. No. 9—Introduced by Whaley:

A bill for an act entitled An Act to Provide Certain Duties for County Assessors.

H. B. No. 10—Introduced by Wallace:

A bill for an Act entitled An Act to Provide an Index for District Court Records.

H. B. No. 11—Introduced by Wallace:

A bill for an act entitled An Act Regulating the Granting of Pardons, Commutations, Respites and Remissions, and prescribing the functions and duties of the Board of Pardons.

H. B. No. 12—Introduced by Wallace:

A bill for an act entitled An Act Prescribing the Duties of the Clerk of the Supreme Court and Regulating Fees.

H. B. No. 13—Introduced by Toole:

A bill for an act entitled An Act Appropriating Monies for the Care and Maintainance of the Insane for the Year 1890.

H. B. No. 14—Introduced by Toole:

A bill for an act entitled An Act Appropriating Certain Monies for the Maintainance and Keeping of State Convicts in the State Prison at Deer Lodge.

H. B. No. 15—Introduced by Wallace:

A bill for an act entitled An Act Concerning Fish.

Yours Respectfully,

CHAS. Z. POND,
Chief Clerk.

Mr. President:

I have the honor to inform your honorable body that the following notices have been given to the House of Representatives for the introduction of bills as follows:

By Wallace:

A bill for an act entitled An Act Concerning Interest.

By Wallace:

A bill for an act entitled An Act Regulating Payment of Labor Done or Material Furnished to Railways.

By Wallace:

A bill for an act entitled An Act Concerning Notaries Fees.

By Wallace:

A bill for an act entitled An Act Defining Embezzlement.

By Frank:

A bill for an act entitled An Act to Provide for an Additional Judge for the District Courts in the First and Second Judicial Districts of the State of Montana.

By Frank:

A bill for an act entitled An Act to More Fully Secure Independence of Electors, the Secrecy of the Ballot, to Regulate Registration and Voting at State, County and City Election.

By Beach:

A Bill for an act entitled An Act Requiring all County and District Officers to Report the Fees and Emoluments Received by

Them to the County Commissioners and Requiring the County Clerk to report the Substance Thereof to the State Auditor, and for the Publication of the Same.

By Toole:

A bill for an act entitled An Act Concerning Appropriations.

By Woodson:

A Bill for an act entitled An Act Concerning Appropriations.

By Wallace;

A bill for an act entitled An act concerning Executions.

By Wallace:

A bill for an act entitled An Act for the Better Protection of Game and Fish.

By Wallace:

A Bill for an act entitled An Act for Regulating the Granting of Pardons, Commutations, Respites and Remissions and Prescribing the Functions and Duties of the Board of Pardons.

By Wallace:

A bill for an act entitled An Act to Describe an Index to District Court Records.

A bill for an act entitled An Act Prescribing the compensation and Duties of the Clerk of the Supreme Court and Regulating His Fees.

By Beach:

A bill for an act entitled An Act to Provide for the Appointment and to Prescribe the Duties of a State Examiner.

By Whaley:

A bill for An Act entitled An Act to Provide Certain Duties for County Assessors.

By Whaley:

A bill to amend an act entitled An Act to Provide and Distribute Ballots at the Public Expense and to Regulate Voting at State and Other Elections.

By Toole:

A bill for act entitled An Act to Prescribe the Number, Duties and Compensation of the Officers and Employees of Each House of the Legislative Assembly.

By Hughes:

A bill for an act entitled An Act to Regulate the Rate of Passenger, fare and Rates of Freight, to be Charged by Railways Companies Wholly within the Boundaries of the State.

By Whaley:

A bill for an act entitled to amend Sections 1831 and 1836, 5th Division, Compiled Statutes of Montana, Relating to the Office of Road Supervisor.

By Humber:

A bill for an act entitled An Act Concerning the Election of Presidential Electors.

By Toole:

A bill for an act entitled An Act to Appropriate Money to Pay for the Maintainance and Care of the Insane of this State.

By Toole:

A bill for an act entitled An act to Appropriate Money to pay for the Maintainance and Care of Convicts in the Penitentiary of this State.

By Poole:

A bill for an Act entitled An Act Regulating the Rental and Leasing of School Lands.

By Barrows:

A bill for an act entitled An Act Providing for the Printing and Distribution of the Report of the Commission on Revision, Compilation and Arrangement of the Laws of Montana.

By Barrows:

A bill for an act entitled An Act Providing for the Continuance of the Commission Appointed for the Revision, Compilation and Arrangement of the Laws of Montana.

By Hardenbrook:

A bill for an act entitled An Act Authorizing a Levy for State Taxes.

By Penrose:

A bill for an act entitled An Act to Amend That Portion of the Criminal Practice Act entitled Prevention of Public Offences.

By Toole:

A Bill for an act entitled An Act to Define the Duties of the State Board of Examiners, as Provided for in Section 20, Article 7 of the Constitution.

By Schmidt:

A bill for an act entitled An Act Creating the Office of State Examiner, Describing His Duties and Fixing His Salary.

By Carney.

A bill for an act entitled An Act Concerning Passenger and Freight Rates Charged by Railways Operating in the State.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

Mr. President:

I have the honor to inform your Honorable body that the following notices of introduction of bills have been given to the House of Representatives.

By Dussault:

A bill for an act entitled An Act Concerning Cruelty to Animals, Providing Penalties Against Persons Who Neglect or Cruelly Treat Them.

By Crutchfield:

A bill for an act entitled An Act for the Prosecution of Criminal Actions by Information.

By Wallace:

A bill for an act entitled An Act Regulating Compensation of County Officers.

By Wallace:

A bill for an act entitled An Act More Distinctly Defining the Boundaries of Yellowstone County.

By Wallace:

A bill for an act entitled An Act Regulating the Rate of Charges of Water Companies.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk

On motion of Senator Buford, the Senate took a recess until 12 o'clock.

12 O'clock.

Senate resumed.

Mr. President in the chair.

On motion of Senator Cardwell the Senate adjourned until Monday at 4 P. M.

JNO. J. FALLON,
Secretary.

FIFTEENTH DAY.

SENATE CHAMBER.
Helena, Montana, January 19th, 1891.

Senate met pursuant to adjournment at 4 P. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

The Journal of the twelfth day was read and approved.

The following message was received from His Excellency, the Governor, which, on motion of Senator Hedges, was referred to the Committee on Federal Relations.

EXECUTIVE OFFICE,
Helena, Montana, January 19th, 1891.

To the President of the Senate, Senate Chamber:

SIR: I have the honor to transmit herewith a letter from the Honorable Secretary of War respecting the cession of certain lands in Montana together with the draft of a bill for that purpose.

JOS. K. TOOLE,
Governor.

SUBJECT: CESSION OF JURISDICTION.

WAR DEPARTMENT,
Washington, D. C., January 12th, 1891.

Hon. Joseph K. Toole, Governor of Montana:

SIR: I have the honor to enclose to you herewith a draft, prepared in this Department and following the usual form, of an act ceding jurisdiction over certain lands in Montana, and to request that you will submit the same to the State Legislature with a view to its adoption as soon as may be practicable. As to the Yellowstone Park, the act of July 10, 1890, admitting Wyoming into the Union, reserves in general terms to the United States exclusive jurisdiction over the Park, but as minor portions of the same are embraced within the boundaries of Montana and Idaho, it has been deemed desirable that these States should join in the cession, so that the jurisdiction and authority of the United States shall be uniform throughout the Park. As to the military posts and reservations within the State, the Constitution of Montana cedes to the United States exclusive jurisdictian over these in appropriate terms, but inasmuch as new posts may be established, or those existing be added to or otherwise modified, it is desired to give the act, as has been done in sundry other States, a prospective form, so as to obviate the necessity of asking a new cession on every occasion of a material change in the territory of these sites.

I remain, very respectfully,
Your obedient servant,
Redfield Proctor,
Secretary of War.

On motion of Senator Hoffman to Senate adjourned until 11 A. M. to-morrow.

Jno. J. Fallon,
Secretary.

SIXTEENTH DAY.

SENATE CHAMBER,
Helena, Montana, January 20th, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the fifteenth day was read and approved.

The following reports were received:

Mr. President.

We your Committee on Rules, to whom was referred the substitute for Rule 21, as offered by Senator Matts, beg leave to report the same back to the Senate and recommend that the same be adopted.

D. J. HENNESSY.
EDWARD CARDWELL.

To the Hon. Senate:

The undersigned, as a minority of the Committee on Rules, dissents from the proposed change of Rule 21, as unusual, unnecessary, impolitic and discourteous to the presiding officer.

HEDGES.

Goddard moved to adopt the minority report, motion was lost by the following vote:

Ayes—Baylies, Brown, Goddard, Hedges, Power, Thompson—6.

Nays—Becker, Buford. Cardwell, Gibson, Hennessy, Hoffman, Matts, Parberry, Redd, Thornton—10.

On motion of Senator Thornton the majority roport was adopted.

The following communications were received:

Helena, Montana, January 20th, 1891.

Mr. President:

I have the honor to inform your Honorable body that the following Notices of Introduction of bills have been given in the House of Representatives.

By Dusseault:

A bill for an act entitled An Act Concerning Cruelty to Animals, Providing Penalities Against Persons Who Neglect or Cruelly Treat the Same.

By Crutchfield:

A Bill for the Prosecution of Criminal Actions by Information.

By Wallace:

A Bill for an act entitled An Act Regulating Compensation of County Officers.

By Wallace:

An act More Distinctly Defining the Boundaries of Yellowstone County.

By Wallace:

An Act Regulating the Rates of Charges of Water Companies.

By Carney:

A bill for an act to amend the act entitled An Act to Regulate the Practice of Medicine.

Your Respectfully,
CHAS. Z. POND,
Chief Clerk.

Helena, Montana, January 20, 1891

Mr. President:

I have the honor to inform your Honorable Body that the following bills have been introduced in the House of Representatives:

By Beach—H. B. No. 16:

A bill for an act entitled An Act to Provide for the Appointment and to Prescribe the Duties of a State Examiner for the State of Montana.

By Toole—H. B. No. 17:

An act to Prescribe the Duties of the State Board of Examiners.

By Dusseault—H. B. No. 18:

A bill for an act entitled An act Concerning Cruelty to Animals, Providing Penalties Against Persons who Neglect or Cruelly Treat the Same.

By Ways and Means Committee—H. B. No. 19:

An Act to Provide for the Care and Keeping the Insane

By Carney:

A bill for an act to amend the act entitled An Act to Regulate the Practice of Medicine in the State of Montana and to Provide for the Examination and Issuing of Certificates to Persons Desirous of Practicing the Same, and for Punishment of Persons Violating the Provisions of this Act.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

Helena, Montana, January 15th, 1891.

Mr. President:

I have the honor to inform your honorable body that H. C. R. No. 1 has passed the House and is herewith transmitted to the Senate.

Yours Repectfully,
CHAS. Z. POND,
Chief Clerk.

H. C. R. No. 1, concerning examination of Penitentiary was read first and second time and referred to Committee on Public Buildings, Hospitals and Asylums.

On motion of Matts the Senate took a recess until 4 P. M.

4 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

On motion of Senator Hoffman the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

SEVENTEENTH DAY.

SENATE CHAMBER.
Helena, Montana, January 21th, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of Sixteenth day was read and on motion of Senator Thornton they were approved by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Hennessy, Matts, Hoffman, Redd, Thornton—9.

Noes—Baylies, Brown, Goddard, Hedges, Power, Thompson—6.

Senator Hedges moved to return the Journal of the last session of the Senate to its legal custodian, which was lost by the following vote:

Ayes—Baylies, Brown, Goddard, Hedges, Power, Thompson—6.

Noes—Becker, Buford, Cardwell, Gibson, Hennessy, Hoffman, Matts, Redd, Thornton—9.

Committee on Investigation of Journal of last session of the Senate asked for further time, which, on motion of Senator Brown, was granted until to-morrow.

On motion of Senator Hoffman the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

EIGHTEENTH DAY.

SENATE CHAMBER,
Helena, Montana, January 22d, 1891.

The Senate met pursuant to adjournment, at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the seventeenth day read and approved.

On motion of Senator Thornton, the Senate took a recess until 2 P. M.

---

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

Senator Matts presented a petition from a number of signers asking that the school lands of the State be leased and not sold, which on motion was referred to the Committee on Public Lands.

Committee on Investigation of the Journal of the Last Session of the Senate asked until to-morrow to report. By unanimous consent of the Senate it was granted.

Senator Brown gave the following notice of an amendment to Rule 12:

I hereby give notice that I will, to-morrow, or some subsequent day, offer the within amendment to Rule 12, Page 4 of Senate rules, as follows, January 23rd:

Amendment to Rule 12, Page 4, Senate Rules:

And no amendments shall be received at the third reading of any bill, memorial or joint resolution, except by unanimous consent of the Senate:

BROWN.

On motion of Senator Buford, the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

NINETEENTH DAY.

SENATE CHAMBER,
Helena, Montana, January 23d, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the eighteenth day read and approved.

Mr. President requested the Senate to indefinitely excuse Senator Parberry. By unanimous consent, the same was granted.

Mr. President announced a pair between Senators Power and Gibson until next Monday afternoon's session.

Senator Brown offered the following amendment to Rule 12, Senate Rules, which was referred to Committee on Rules:

Mr. President:

By previous notice given, I move the adoption of the following amendment to Rnle 12, page 4, Senate Rules.

Instead of the last period of Rule 12, Page 4, Senate Rules, substitute the following:

"And no amendments shall be in order at the third reading of any bill, memorial or joint resolution except by unanimous consent of the Senate."

BROWN.

On motion of Senator Thornton, the Senate took a recess until 11:40 A. M. (30 minutes.)

11:40 A. M.

Senate resumed.

Mr. President in the chair.

On motion of Senator Thornton the Senate adjourned until Monday, at 4 P. M.

JNO. J. FALLON,
Secretary.

TWENTY-SECOND DAY.

SENATE CHAMBER,
Helena, Montana, January 26th, 1891.

The Senate met pursuant to adjournment at 4 P. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the nineteenth day read and approved.

Senator Goddard asked the Senate to excuse Senator Cardwell until to-morrow afternoon. By unanimous consent, the same was granted.

On motion of Senator Buford the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

TWENTY-THIRD DAY.

SENATE CHAMBER.
Helena, Montana, January 27th, 1891.

Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the twenty-second day read and approved.

By request of Senator Hennessy, Senator Thornton was excused for the day.

On motion of Senator Buford the Senate took a recess until 3 P. M.

3 P. M.

Senate resumed.

Roll called—quorum present.

On motion of Senator Brown the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

TWENTY-FOURTH DAY.

SENATE CHAMBER,
Helena, Montana, January 28th, 1891.

The Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the twenty-second day read and approved.

Senator Hoffman, Thornton and Goddard were excused for the day.

On motion Senator Hennessy, the Senate adjourned until 11 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

TWENTY-FIFTH DAY.

Senate Chamber,
Helena, Montana, January 29th, 1891.

The Senate met pursuant to adjournment at 11 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the twenty-fourth day read and approved.

On motion of Senator Goddard the Senate took a recess until 3 P. M.

3 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

On request of Senator Becker, Senator Parberry was by the unanimous consent of the Senate excused until Monday.

Senator Brown moved that Senator Goddard and Thornton be appointed a committee of two to recommend by a resolution such action as was necessary to conform the condition of the Senate to that of a united House.

A committee from the House of Representatives appeared within the bar of the Senate and presented the following:

Helena, Montana, January 29th, 1891.

To the Honorable Senate of the State of Montana:

The undersigned a committee from the House of Representatives of the Second Legislative Assembly of the State of

Montana, in obedience to instructions given them by their body do hereby notify the Senate that the House is now organized, ready for business and have elected the following officers and attaches:

H. R. Comly, Speaker.
R. G. Humber, Speaker *pro tem.*
C. F. Reardon, Sergeant-at-Arms.
Chas. Z. Pond, Chief Clerk.
W. F. Shanley, Assistant Chief Clerk.
Eugene Shortsleeves, Assistant Sergeant-at-Arms.
John Kay, Engrossing Clerk.
Henry Tutin, Enrolling Clerk.
J. M. Woodside, Doorkeeper.
H. Mayhew, Day Watchman.
A. Estes, Night Watchman.
Alex. Goodman, Page.
Felix Ryan, Page.
Rev. L. J. Hocking, Chaplain.

WALLACE,
GREENOUGH,
HIGGINS.
Committee.

The motion of Senator Brown that Senators Goddard and Thornton be appointed a committee of two to recommend, by a resolution, such action as was necessary to conform the conditions of the Senate to that of a united House, was carried.

Senators Thornton, Cardwell and Matts presented petitions from a number of signers asking that the School Lands of the State be leased and not sold. The petitions were referred to the Committee on Public Lands.

On motion of Senator Hedges the Senate took a recess for thirty minutes.

Senate resumed.

Mr. President in the chair.

The following report was received.

Mr. President:

We, your Committee on Rules, having had under consideration the amendment to Rule 12, Senate Rules, as offered by Senator Brown, beg leave to report the same back to the Senate and recommend it be adopted.

D. J. HENNESSY,
Chairman Committee on Rules.

On motion of Senator Hedges the amendment to Rule 12, Senate Rules, as offered by Senator Brown and reported back by the Committee on Rules, was adopted.

The following report was received.

To the President of the Senate:

Your committee, to which was referred the matter of drafting a resolution to make the Senate Journal conform to the organization of the House of Representatives, this day effected, having had the same under consideration, beg leave to report the accompanying preamble and resolutions and recommend its adoption.

Respectfully Submitted,
W. M. THORNTON,
O. F. GODDARD,
Committee.

Whereas, On the 5th day of January. 1891, a certain assemblage of persons, claiming to be the legally organized House of Representatives of the State of Montana, the Session Legisla tive of 1891, met at Helena, the Seat of Government of the State of Montana, having Harry R. Comly as Speaker, Chas. Z. Pond as Chief Clerk, and C. J. Reardon, Sergeant-at-Arms, was by the Senate, at said time, recognized as the House of Representatives for said Legislative Session of 1891, and have from time to time since that date recognized said body as such; and,

Whereas, Another assemblage of persons, claiming also to be the Legal House of Representatives for said Legislative Session, met and organized on the 5th day of January for the Legislative Session of 1891, at the City of Helena, the seat of Government of the State of Montana; and, *Whereas*, It appears to the Senate, from a communication received this day, that the two assemblages mentioned above have this day united and formed the House of Representatives and have organized as such with the following officers:

Speaker, H. R. Comley.
Speaker pro tem, R. G. Humber.
Chief Clerk, Chas. Z. Pond.
Assistant Chief Clerk, W. F. Shanley.
Sergeant-at-Arms, C. F. Reardon.
Assistant Sergeant-at-Arms, E. Shortsleeves.
Engrossing Clerk, John Kay.
Enrolling Clerk, Henry Tutin.
Door Keeper, J. M. Woodside.
Day Watchman, H. Mayhew.
Night Watchman, A. Estes.
Page, A. Goodman.
Page, Felix Ryan.
Chaplain, Kev. J. S. Hocking.

Which communication was delivered this day to the Senate by the committee therein named; now, therefore,

Be it Resolved, That a committee be appointed by the President of the Senate consisting of two members, to notify the Governor and the House of Representatives as now organized, that the Senate of the Second Legislative Assembly of the State of Montana is organized with the following officers and ready for business:

President *pro tem*, W. M. Thornton.
Secretary, John J. Fallon.
Assistant Secretary, David Marks.
Enrolling Clerk, Daniel Searles.
Engrossing Clerk, H. Rosenzweig.
Sergeant-at-Arms, Miles Finlan.
Doorkeeper, G. J. Bosworth.
Night Watchman, A. G. Green.
Chaplain, Rev. D. B. Price.
Page, Eugene Dickerton.
Page, Henry Buford.

And we hereby recognize the said House of Representatives as the legally organized House of Representatives of the Second Legislative Assembly of the State of Montana.

In conformity with the foregoing resolution, Mr. President appointed Senators Hoffman and Thompson a committee to wait upon the Governor.

The following report was received.

Mr. President:

Your committee appointed to examine that portion of the Journal of the last session of the Senate relating to fines imposed upon certain Senators, and report the same back to the Senate with any recommendation they might deem just and proper beg leave to submit the following report:

Your committhe have carefully examined the Journal of the last Senate relative to said fines and report the following entries therein bearing upon said subject, to-wit:

COPY OF SENATE JOURNAL OF FIRST SESSION LEGISLATIVE ASSEMBLY OF MONTANA, RELATING TO FINES IMPOSED ON ABSENT SENATORS.

SEVENTY-SIXTH DAY.

SENATE CHAMBER.
Helena, Montana, February 16th, 1890.

Senate Resumed.

The President in the chair.

Roll called.

Present:	Absent:
Armington,	Baker,
Babcock,	Becker,
Brown,	Hennessy,
Fisher,	Hoffman,
Hedges,	McNamara,
Olds,	Parberry,
Rutherford,	Redd,
Thompson.	Thornton.

Senator Hedges offered the following resolution:

Whereas, It appears by the roll call of the Senate just had that the following named Senators to wit: J. A. Baker, R. G. Redd, W. S. Becker, Wm. Thornton, C. J. McNamara, C. W. Hoffman, Wm. Parberry and D. J. Hennessy are absent without leave of the Senate and in violation of Rule 4 of the Senate. therefore, be it *Resolved*, That each and all of said Senators be required to be in attendance at the bar of the Senate on or befor 10 o'clock on Saturday the 8th inst. to answer for contempt under such penalties as the Senate may deem meet and proper.

On motion same was adopted.

Senator Olds called for the reading of Senate Rule No. 4.

The following was offered by Senator Olds:

Whereas, Divers and sundry members of the Legislative Assembly of the State of Montana are absent, and, *Whereas*, it is necessary to compel their attendance. Now, therefore be it *Resolved*, by the undersigned, a minority of the members of said Senate, that any members of the Senate who shall be absent on and after February 6, A. D. 1890, shall be fined for such absence, unless excused by the Senate, for the first day, fifty dollars ($50.00); for the second days' absence, one hundred dollars (100.00); for the third days' absence, two hundred dollars ($200.00); for the fourth days' absence, four hundred dollars (400.00); for the fifth days' absence, eight hundred dollars (800.00); for the sixth days' absence, one thousand dollars (1000.00), and that for each succeeding day before the adjournment of the Senate for the day the roll shall be called, and a resolution levying and confirming the foregoing fines against the absent members severally by name, who are not excused shall be passed and placed on record by the Secretary of the Senate.

L. B. OLDS,
ROBT. FISHER,
A. L. BABCOCK,
J. S. THOMPSON,
CORNELIUS HEDGES,
M. E. RUTHERFORD,
J. T. ARMINGTON.
LAWRENCE A. BROWN.

On motion of Babcock the resolution was adopted.

On motion of Fisher, seconded by Babcock, a call of the House was ordered.

Roll called.

Present.	Absent.
Armington,	Baker,
Babcock,	Becker,
Fisher,	Hennessy,
Hedges,	Hoffman,
Olds,	McNamara,
Rutherford,	Parberry,
Brown,	Redd,
Thompson,	Thornton.

The Sergeant-at-Arms was given a list of the absent members with instructions to arrest and bring them before the bar of the Senate.

The Sergeant-at-Arms thereupon retired, and upon his return reported his inability to find any of the absentees.

Senator Hedges offered the following:

Resolved, That the President of the Senate be authorized to issue duplicate warrants for the arrest of any one or all of the absent members to the sheriff and other peace officers of the several counties of the State, as may in his opinion be necessary to execute the will of the Senate, as expressed in the resolutions this day adopted, requiring their attendance on or before 10 o'clock A. M. of February 8th inst.

On motion same was adopted.

On motion further proceedings under the call were dispensed with.

On motion Senate adjourned until 10 A. M. to-morrow.

FREDERICK GILBERT,
Secretary.

SEVENTY-SEVENTH DAY.

SENATE CHAMBER.
Helena, Montana, Febuary 7th, 1890.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called.

Present.

Armington,
Babcock,
Brown,
Fisher,
Hedges,
Olds,
Rutherford,
Thompson.

Absent.

Baker,
Becker,
Hennessy,
Hoffman,
McNamara,
Parberry,
Redd,
Thornton.

In pursuance of resolution adopted February 6th, 1890, the Secretary was instructed to charge up the fine of $50.00 assessed against the absent members for the first day's absence.

SENATE CHAMBER.

8 O'CLOCK P. M.

Senate resumed.

Mr. President in the chair.

Roll called.

Present.

Armington,
Babcock,
Brown,
Fisher,
Hedges,
Olds,
Rutherford,
Thompson.

Absent.

Baker,
Becker,
Hennessy,
Hoffman,
McNamara,
Parberry,
Redd,
Thornton.

In pursuance of a resolution adopted on February 6th, 1890, the Secretary, was instructed to charge up the second fine of $100 for the second day's absence of Senators named in roll call.

FREDERICK GILBERT.
Secretary.

SEVENTY-EIGHTH DAY.

SENATE CHAMBER.

9:30 P. M.

Senate resumed.

Mr. President in the chair.

The Sergeant-at-Arms appeared and announced the presence of Senator Becker.

Present.
Armington,
Babcock,
Becker,
Brown,
Fisher,
Hedges,
Olds,
Rutherford,
Thompson.

The Secretary was instructed to note the presence of Senator Becker as under contempt in accordance with the resolution of the 6th inst as per rule 4 of the Senata.

Mr. President said: Senator Becker it becomes my duty to inform you that you are now in accordance with the resolution adopted by this body in contempt of this body and I now ask you If you have any excuse to offer for absenting yourself without leave?

Making no reply.

Senator Hedges offered the following:

Be it resolved by the members of the Senate that the matter of the contempt of Senator W. S. Becker be referred to the Committee on Election and Privileges with instructions to consider the same forthwith and report as soon as possible with resolution appropriate to the case.

On motion same was adopted.

On motion a recess of 15 minutes was taken.

SENATE CHAMBER

10:40 P. M.

Senate resumed.

On motion recess of 10 minutes was taken.

SENATE CHAMBER.

11 P. M.

Senate resumed.

Report of the Committee on Election and Privileges.

Senator Babcock as Chairman made the following report:

Your Committe on Election and Privileges to whom was referred the consideration of the matter of contempt of W. S. Becker with instructions to report by resolution beg leave to report that they have performed that duty and offer the following resolution appropriate to the case.

Whereas, Senator W. S. Becker with other Senators was on the 6th day of February inst, by resolution adopted and entered in the Journal adjudged to be in contempt for violation of rule No. 4 in absenting himself from the sessions of the Senate without leave, therefore your committee satisfied with the explanations made by him and assurance of his attendance in the future recommend that he be released from the fines already imposed against him and that he be purged of contempt of this body.

On motion the report was adopted.

* * * * *

On motion Senate adjourned until 10 A. M.

FREDERICK GILBERT,
Secretary.

EIGHTIETH DAY.

SENATE CHAMBER.

Helena, Montana, February 10th, 1890.

* * * * *

10:30 A. M.

Senate resumed.

Mr. President in the chair.

Roll called.

Present.

Armington,
Babcock,
Brown,
Fisher,
Hedges,
Olds,
Rutherford,
Thompson,

Absent.

Baker,
Becker,
Hennessy,
Hoffman,
McNamara,
Parberry,
Redd,
Thornton.

* * * * *

SENATE CHAMBER.

8 P. M.

Senate resumed.

Mr. President in the chair.

The Secretary was instructed to charge up the fine against the 7 absent Senators for the fourth days absence.

On Motion Senate adjourned until to-morrow at 10 o'clock,

FREDERICK GILBERT,
Secretary.

EIGHTY-FIRST DAY.

SENATE CHAMBER.
Helena, Montana, February 11th, 1890.

Senate met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present.

Armington,
Babcock,
Brown,
Hedges,
Fisher,
Olds,
Rutherford,
Thompson,

Absent.

Baker,
Becker,
Hennessy,
Hoffman,
McNamara,
Parberry,
Redd,
Thornton.

* * * * *

SENATE CHAMBER,

2 P. M.

Senate resumed.

Mr. President in the chair.

Secretary was instructed, in pursuance of a resolution offered on February 6th, to charge up the fifth day's fine, $800, against the seven absent Senators.

On motion of Hedges Senate adjourned.

FREDERICK GILBERT,
Secretary.

EIGHTY-SECOND DAY.

SENATE CHAMBER,
Helena, Montana, February 12th, 1890.

Senate met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present.

Armington,
Babcock,
Brown,
Fisher,
Hedges,
Olds,

Absent.

Baker,
Becker,
Hennessy,
Hoffman,
McNamara,
Parberry,
Redd,
Rutherford,
Thompson,
Thornton.

Prayer by the Chaplain.

Leave of absence for three day's was granted Senators Thompson and Rutherford.

On motion recess was taken for 30 minutes.

SENATE CHAMBER,

10:30 A. M.

Senate resumed.

Mr. President in the chair.

Minutes of preceding day, read, corrected and approved.

Secretary was instructed, in pursuance of a resolution offered February 6th, to charge up the 6th day's fine of $1000 against the 7 absent Senators.

On motion Senate adjourned.

FREDERICK GILBERT,
Secretary.

EIGHTY-FOURTH DAY.

SENATE CHAMBER,
Helena, Montana, February 14, 1890.

Senate met pursuant to adjournment.

Mr. President in the chair.

Roll called.

Present.	Absent.
Armington,	Baker,
Babcock,	Becker,
Brown,	Hennessy,
Fisher,	Hoffman,
Hedges,	McNamara,
Olds,	Parberry,
Rutherford,	Redd,
	Thompson,
	Thornton.

* * * * *

SENATE CHAMBER,

4. P. M.

Senate resumed.

Mr. President in the chair.

Minutes of the preceding day read and approved.

Presence of Senator Thompson was noted.

Senator Hedges offered the following resolution.

"*Resolved*, That Senator W. S. Becker, for absenting himself from the sessions of this body on Monday the 10th inst.

and all days since that day without leave, in violation of Rule 4, and in disregard of his official oath and duty as well as of his pledges of honor, to be present at the sessions of the 10th, be declared to be in contempt of the Senate and that in part punishment therefor, he be fined in the sum of one thousand dollars—in addition to the expense incurred in his arrest and return to his place of duty on the 8th instant." Seconded by Rutherford and adopted.

The following resolution was also offered by Senator Hedges:

SENATE CHAMBER,
February, 14th, 1890.

"*Resolved*, By the Senators present in the State Senate of Montana, hindered in the discharge of their public duties by the unlawful and inexcusable absence of one half of their members, to.wit: Senators J. A. Baker. R. G. Redd, W. S. Becker, Wm. Thornton, C. J. McNamara, C. W. Hoffman, Wm. Par. berry and D. J. Hennessy, in the exercise of the power conferred upon the minority to compel the attendance of absentees in such manner and under such penalties as each House may prescribe, do hereby prescribe that each of said absent Senators be adjudged to pay a penalty of five hundred dollars for each and every day's unexcused absence for the residue of the present Legislative Session dating from February 12th inst.

Moved by Olds, seconded by Fisher and adopted.

Leave of absence was granted to Senator Babcock for one day, the 15th instant.

On motion, Senate adjourned.

FREDERICK GILBERT,
Secretary.

NINETIETH DAY.

SENATE CHAMBER,
Helena, Montana, February 20th, 1890.

* * * * *

"We hereby certify that the foregoing pages from Page 1 to 155, both inclusive, comprises the proceedings of the First Legislative Assembly of the State of Montana, beginning at noon November 23rd, 1889, ahd ending at midnight February 20th, 1890."

J. E. RICKARDS,
President of Senate.

Attest:

FREDERICK GILBERT,
Secretary.

Your Committee further report that Page 132 of the Senate Journal, although certified by the officers of the Senate to be included in proceedings of the Senate, appears to be an interpolation and no part of the official proceedings thereof, inasmuch as it follows the proceedings of the seventy-seventh day of the session, and precedes the journal of the seventy-eighth day, and is not signed and certified by the Secretary or other official.

The said page contains, in addition to the resolution introduced by Senator Olds, on the 6th day of February, 1890, and signed by a minority of the Senate, the following table of fines, to wit:

	J. A. Becker.....	W. S. Becker....	D. J. Hennessy..	C. W. Hoffman..	C. J. McNamara.	Wm. Parberry...	R. E. Redd......	A. M. Thornton.
February 6, '90............	$ 50 00	$ 50 00	$ 50 00	$ 50 00	$ 50 00	$ 50 00	$ 50 00	$ 50 00
February 7, '90:	100 00	100 00	100 00	100 00	100 00	100 00	100 00	100 00
February 8, '90............	200 00	....	200 00	200 00	200 00	200 00	200 00	200 00
February 10, '90............	400 00	1000 00	400 00	400 00	400 00	400 00	400 00	400 00
February 11, '90............	800 00	....	800 00	800 00	800 00	800 00	800 00	800 00
February 12. '90............	1000 00	500 00	1000 00	1000 00	1000 00	1000 00	1000 00	1000 00
February 13, '90............	500 00	500 00	500 00	500 00	500 00	500 00	500 00	500 00
February 14, '90............	500 00	500 00	500 00	500 00	500 00	500 00	500 00	500 00
February 15, '90.	500 00	500 00	500 00	500 00	500 00	500 00	500 00	500 00
February 17, '90............	500 00	500 00	500 00	500 00	500 00	500 00	500 00	500 00
February 18, '90............	500 00	500 00	500 00	500 00	500 00	500 00	500 00	500 00
February 19, '90............	500 00	500 00	500 00	500 00	500 00	500 00	500 00	500 00
February 20, '90............	500 00	500 00	500 00	500 00	500 00	500 00	500 00	500 00

Your committee therefore report that it appears from the said Journal that the resolution offered by Senator Olds and adopted by the Senate on the 6th day of February, 1890, was adopted by a minority of the Senate, there appearing from said Journal only eight Senators to be present.

We further find that at no time subsequent to said day during said session was there present in the Senate more than eight Senators at any one time, except on the evening of February 8th, 1890, when the Secretary was instructed to note the presence of Senator Becker, under contempt, but at which meeting of the Senate no action concerning said fines was taken, save to remit the fines imposed upon Senator Becker.

Your committee do not find that a minority of the Senate had any right to impose fines upon absent Senators without excuse, inasmuch as such power is not bestowed upon them by the Rules of the Senate of that session. Rule 4 of the Senate Rules of that session does not give them that power as will be seen from the following copy of the rule, to-wit:

Rule 4—"No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent Senators as the majority of such Senators shall agree, at the expense of such absent Senators respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and this rule shall apply as well to the first convention of the Senate at the legal time of meeting as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or if less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance ot Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person, to whom such process may be directed, shall have the power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county or any county in the State."

Your committee further find that inasmuch as all of said fines and penalties were levied by a minority of the Senate, and all proceedings relative to the imposition of said fines and penalties were had by less than a quorum of that body, and done in the absence of any rule of the Senate authorizing a minority to do the said acts, that they were beyond the authority and power of the minority and consequently were null and void, and had no binding effect.

Section 10, of Article 5, of the Constitution provides:

"A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the House may prescribe."

This provision of our Constitution unquestionably empowers the Senate, when a quorum is present, to prescribe rules authorizing a minority to compel the attendance of absent Senators, and to impose fines or penalties therefor, but in the absence of such "prescribed" rules, no authority whatsoever is given a minority to impose any penalties at all, except the one specifically mentioned in Rule 4, above cited.

Your committee, therefore, conclude that all of the fines imposed upon absent Senators by a minority of the Senate, and in the absence of any rules authorizing the same, were beyond the authority of a minority and were consequently null and void.

We further conclude that the expense incurred in the arrrest and return of Senator Becker is not liquidated or stated in any part of the Journal, but on the contrary seems to have been remitted by the Senate in the adoption of the report of the Committee on Election and Privileges on the 8th day of February, 1890, whereby he was released from the fines imposed against him and purged of contempt of the Senate.

Your committee, therefore, recommend the adoption of the following resolutions, to-wit:

"*Whereas*, The Senate of the State of Montana did, on the 6th day of February, A. D., 1890, purport to adopt a resolution introduced by Senator Olds, whereby certain daily and increasing fines were to be imposed upon certain absent Senators, and *Whereas*, The said Senate did thereafter on various days of said session, attempt to carry into effect the said resolution by charging the said daily fines against the said absent Senators; and *Whereas*, the said Senate did on 14th the day of February, 1890, purport to adopt a resolution fining Senator W. S. Becker in the sum of One Thousand Dollars in addition to the expense incurred in his arrest and return and which expense, if any, is not liquidated, determined, approved, or ascertainable from the said Journal, and *Whereas*, the said Senate did also on said day purport to adopt a resolution, whereby, Senators Becker, Redd, Baker, Thornton, McNamara, Hoffman, Parberry and Hennessy, were adjudged to pay a penalty of $500.00 for each and every day's unexcused absence for the residue of said session, (ending February 20, 1890,) and dating from February 12, 1890; and *Whereas*, the said Senate did purport to assess said fines against the above named Senators in accordance with said Resolutions, and to have the same in part entered upon the Journal of the Senate; and *Whereas*, the said Sènate did not on the 6th day of February, 1890, nor at any day or time thereafter during said session when said resolutions were attempted to be passed and adopted, nor at any time when the said fines were attempted to be assessed and imposed upon the said absent Senators, have a Constitutional quorum, or have any legal right, authority or jurisdiction to adopt said resolutions. or impose said fines, as affirmatively appears from the said Journal of the Senate, and that the said Senate, acting by minority, had no legal right, authority or jurisdiction to pass, adopt, or confirm the said resolutions, or any of the subsequent acts in pursuance, thereof, or to levy any fines, whatsoever, upon any absent Senators, either under the Constitution, or laws of the State, or of any rules previously adopted by a quorum of the Senate, and particularly under Rule 4, thereof, and *Whereas*, all of the said acts relative to the imposition of said fines, or relating in any way thereto, save and except the remission of the fines of Senator W. S. Becker on the 8th day of February, 1890, and in the presence of himself and eight other Senators, were in excess of the authority of a minority of the Senate, and therefore null and void:

Therefore, Be it Resolved: That the resolution purporting to be adopted by the Senate on the 6th day of February, 1890, imposing daily and increasing fines upon absent Senators, as well as all resolutions, or proceedings, thereafter attempted, or purported to have been passed, relating to said fines, were beyond the authority of the minority of the Senate which sought to do said acts, and were, and the same are hereby declared to be illegal, null and void, and of no effect whatsoever, Resolved further, that in order to remove any possibility of doubt as to the invalidity of any or all of said fines and penalties imposed at the last session of the Senate; *Be it Resolved,* That all fines, penalties and expenses incurred in the arrest and return, of any absent Senators levied or imposed, or attempted to be levied or imposed, upon any of the members of the Senate, during the first session of the Senate of the State of Montana, and especially all fines or penalties imposed, or attempted to be imposed, at said session, upon Senators J. A. Baker, W. S. Becker, D. J. Hennessy, C. W. Hoffman, C. J. McNamara, Wm. Parberry, R. G. Redd and Wm. Thornton, and any and all expenses incurred in the arrest and return of any of said Senators, during said session, be and the same are hereby remitted in full unto the said Senators, and they are hereby purged of any liability whatsoever on account of any and all of said fines, penalties and expenses incurred in their arrest and return.

Resolved, That the Secretary of the Senate be instructed to forthwith deliver a copy of these Resolutions to the State Auditor and State Treasurer, together with a certificate of their adoption by the Senate.

Your committee have recommended the adoption of the second resolution, remitting the fines against absent Senators, not because to their judgment it was necessary or essential, but in order to meet the objections of any individuals who might entertain any doubt as to the invalidity or nullity of any or all of said fines and penalties so imposed.

Respectfully Submitted,

S. R. BUFORD,
E. D. MATTS,
PARIS GIBSON,
Committee.

On motion of Senator Hedges the report was adopted by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Matts, Power, Thompson—9.

Noes—Brown—1.

Excused—Becker, Hennessy, Hoffman, Redd, Thornton—5.

Absent on Leave—Parberry—1.

Senator Hoffman introduced S. C. R. No. 1, "to employ additional clerks," which was read first and second time and referred to the Committee on Finance and Claims.

On motion of Senator Hedges the Secretary was instructed to return the Journal of the last session of the Senate, to the proper custodian, the Secretary of the State.

Senator Thornton presented the following notice:

Mr. President:

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill for "An Act to provide for the holding of regular sessions of the Supreme Court."

THORNTON.

On motion of Senator Goddard the Sergeant-at-Arms was instructed to wait upon the Governor and State Treasurer to see if more suitable quarters could not be secured for the meeting of the Senate.

On motion of Senator Brown the Senate adjourned until 10 A. M. to-morrow.

JNO. J. FALLON,
Secretary.

TWENTY-SIXTH DAY.

SENATE CHAMBER,
Helena, Montana, January 30th, 1891.

The Senate met pursuant to adjournment at 10 A. M.

Mr. President in the chair.

Roll called—quorum present.

Journal of the twenty-fifth day read and approved.

Senator Gibson introduced S. J. M., No. 1—"Memorializing the Congress of the United States to make a survey from St. Mary's River to Milk River in the State of Montana," which was read first and second time, and on motion of Senator Gibson the Rules were suspended, memorial considered, engrossed, read third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Brown, Parberry—2.

Senator Hedges presented the following notice:

LEGISLATIVE ASSEMBLY OF MONTANA, SECOND SESSION.
SENATE CHAMBER.

Notice of introduction of Concurrent Resolution:

I hereby give notice that on to-morrow, or some subsequent legislative day, I will introduce a Concurrent Resolution to create a commission to receive proposals for the location of State public institutions.

HEDGES.

Senator Hennessy moved that the Committee on Rules be instructed to confer with a like Committee from the House for the purpose of adopting the Joint Rules for the government of both Houses.

Senator Hedges moved that a committee of three be appointed to co-operate with the Governor and State Treasurer to secure more suitable quarters.

On motion of Senator Thornton, Senators Hedges, Buford and Redd were appointed said committee.

Senator Hoffman presented the following notice:

Mr. President:

I hereby give notice that I will on to-morrow, or some subsequent day, introduce the following bills:

A bill for the better protection of travelers, also a bill for the creation of office of Land Commissioner.

HOFFMAN.

On motion of Senator Cardwell the Senate adjourned until Monday at 4 P. M.

JNO. J. FALLON,
Secretary.

TWENTY-NINTH DAY.

SENATE CHAMBER.
Helena, Montana, February 2d, 1891.

The Senate met pursuant to adjournment, at 4 P. M.

President *pro tem* Thornton in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the twenty-sixth day read and approved.

On motion of Senator Hedges Mr. President and Senator Goddard were excused until to-morrow.

Senator Cardwell asked that Senator Hennessy be excused until to-morrow. By unanimous consent of the Senate the same was granted.

Senator Hedges presented the following resolution:

LEGISLATIVE ASSEMBLY OF MONTANA, SECOND SESSION,

SENATE CHAMBER.

"*Whereas*, Since our last adjourment, the co-ordinate branch of our Asssembly has been advised of the death of one of its most honored and esteemed members, Hon. Aaron C. Witter, late Representative from Beaverhead County, and

Whereas, Some of our own members are still absent, who went to attend the funeral obsequies of their personal friend and associate, performing for us a service that our adjournment rendered it impossible for us to do officially. Now, therefore,

Be it Resolved, By the Senate, as an expression of sympathy for the great loss sustained by ourselves as well as by the House of which he was a member, and as a token of our high esteem for the character and public services of deceased, we do now adjourn until 2 P. M. to-morrow.

HEDGES."

In pursuance of the foregoing resolution, the Senate adjourned until 2 P. M. to-morrow.

JNO. J. FALLON,
Secretary.

THIRTIETH DAY.

SENATE CHAMBER,
Helena, Montana, February 3d, 1891.

Senate met pursuant to adjournment at 2 P. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the twenty-ninth day read and approved.

Senator Hennessy and Buford presented petitions from a number of signers asking that the school lands of the State be leased and not sold. The petitions were referred to the Committee on Public Lands.

Senator Becker presented a petition from 365 signers asking for a division of Dawson County and the creation of Valley County. The petition was referred to the Committee on Counties, Towns and Municipal Corporations.

Senator Hennessy, Chairman Committee on Rules, presented the following report on Joint Rules, which on motion of Senator Hedges was adopted.

Mr. President:

"We, your Committee on Joint Rules, submit the following as the Joint Rules of the Senate and House of Representatives, and recommend their adoption."

D. J. HENNESSY,
Chairman Senate Committee.

J. WOODSON,
Chairman House Committee.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

No. 1. Time of Opening and Closing—The Chamber of the Senate and the Hall of the House of Representatives shall be open from 8 o'clock A. M. until 11 o'clock P. M., of each day during the sessions, unless by resoluton of the Senate its Chamber, or by resolution of the House, its Hall shall be closed.

No. 2. Messages, How to be Transmitted—Messages shall be transmitted between the two Houses by the Sergeant-at Arms or his assistants, or by such other officer as either House may designate, which messages shall keep each House informed with promptness of all notices given, and bills introduced, and of the general condition and state of the business of the other, and such messages shall be in writing.

No. 3. Announcement of Messages—When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent by the Sergeant-at-Arms, or his asssistants, and shall be respectfully communicated to the presiding officer by the person by whom it is sent.

No. 4. Transmission of Papers—Each House shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded.

No. 5. Printing of Bills and Resolutions—When any bill, memorial or resolution, is ordered to be printed, sufficient number of copies shall be printed for the use of both Houses and the quota for each House delivered to its Sergeant-at-Arms.

No. 6. Documents Ordered Printed to be Communicated to Each House—It shall be the duty of the Chief Clerk of the House of Representatives and the Secretary of the Senate when any document is ordered to be printed in their respective Houses forthwith to communicate such order to the other House.

No. 7. Notice of Rejection of Resolutions and Memorials—When any bill, joint resolution or memorial which shall have passed in one House is rejected in the other, notice of said rejection shall be given to the House which has passed the same.

No. 8. Five Days Notice and Consent of Two-Thirds Vote—When a bill, resolution or memorial which shall have been passed in one House is rejected in the other, it shall not again be introduced during the session without five day's notice and consent of two-thirds of the members voting thereon.

No. 9. Title and Number of Bills—The title of every bill shall briefly state its general object, and every bill shall be numbered by the Clerk, and the title thereof, and the name of the member or committee introducing the same shall be endorsed thereon.

No. 10. Journal to Give Title and Number of Bills—The Journal of each House shall give the title and number of each bill, joint resolution or memorial; but the second and all subsequent reference shall be complete when referred to by its number.

No. 11. Enrollment of Bills—When a bill has passed both Houses it shall be duly enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the Clerk thereof.

No. 12. Duties of Enrolling and Engrossing Clerks—The Enrolling and Engrossing Clerks of the two Houses, under the direction of the presiding officer of each House, respectively, when not engaged in enrolling and engrossing bills, shall assist the several select or standing committees.

No. 13. Examination of Enrolled Bills—When bills are enrolled they shall be examined by a joint committee of three from the Senate and three from the House, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

No. 14. Signing of Enrolled Bills by Presiding Officers—Each enrolled bill shall be signed first by the presiding officer of the House in which it originated, and then by the presiding officer of the other branch of the Legislative Assembly in the presence of their respective Houses while in session.

No. 15. Notice of Signing Bills to be Given by Presiding Officer—Upon the presentation of an enrolled bill by the Enrolling Committee of either House, to the presiding officer for his signatnre thereto, he shall arise in his place and give notice that he is about to sign the same, giving the title thereof; whereupon, if any member shall signify his desire so to do, he shall be permitted to examine the same, but no objections to the presiding officers signing the same shall be of any avail, if the same conforms to the engrossed bill as it passed both Houses.

No. 16. Bills for Governor's Approval—After the bill shall have been signed in each House, it shall be presented by the Joint Committee of Enrollment to the Governor for his approval, taking his receipt therefor, and said committee shall forthwith report to their respective Houses the day and hour of presentation, which shall be entered upon the Journal of such House.

No. 17. Memorials to Congress to be Enrolled—All memorials to Congress, or to any officer or other authority of the Government, after they shall have passed both Houses, shall be enrolled, signed by the presiding officer of the respective Houses, and shall be transmitted by the Chief Clerk of the House, in which they originated to the President of the Senate, the Speaker of the House of Representatives, or to the authority memorialized, and a copy to our Senators, and Representatives in Congress.

No. 18. Joint Resolutions and Memorials to be Filed with Secretary of State—Whenever a joint resolution or memorial shall have passed both Houses, of the Legislative Assembly, an enrolled copy thereof duly signed by the Speaker of the House of Representatives and the President of the Senate, shall be filed in the office of the Secretary of the State by the Chief Clerk of the House in which the same originated.

No. 19. Conference in Case of Disagreement Between Houses—In every case of disagreement between the Senate and the House of Representatives, if either House requests a conference and appoints a committee for that purpose, the other shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their chairman and, having conferred freely, each shall report to their respective bodies the result of their conference.

No 20. Chairman of Joint Committees—In joint committees, standing or special, the Chairman of the Senate Committee shall be Chairman of the Joint Committee·

No. 21. Repealing of Joint Rules—No joint rules shall be repealed, amended or suspended except by a two-thirds vote in each House.

Senator Hedges, Chairman Select Committee to secure more suitable quarters, presented the following report, which on motion of Senator Gibson was adopted.

LEGISLATIVE ASSEMBLY OF MONTANA, SECOND SESSION,
SENATE CHAMBER.

To the Honorable Senate of Montana:

Your committee appointed to select more convenient rooms for the meetings of our body, acting with the State Treasurer, made examination of several rooms in the desirable vicinity of the building occupied by the House, and after canvassing the advantages and disadvantages of each, came to the unanimous conclusion that the rooms of the Power Block, where we are now assembled, were the best on grounds of convenience and economy, and upon such report of your committee, the Treasurer has caused the same to be put in readiness for onr occupation. Convenient committee rooms can be had in the same building to any extent desired, and we do further ask that the Secretary of the Senate inform the House of our change of place of meeting and request its consent thereto.

CORNELIUS HEDGES,
R. G. REDD,
S. R BUFORD,
Committee.

The following communications was received from the House of Representatives:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 3rd, 1891.

Mr. President:

I have the honor to inform your Honorable body that the following notices of introduction of bills have been given in the House of Representatives.

By Howey:

A bill for an act to provide for a Bureau of Agriculture Labor and Industry.

By Howey:

A bill for an act to provide for the management and maintenance of the State Prison.

By Frank:

A bill for an act providing for additional District Court Judges.

By Beach:

A bill for an act concerning assessment and collection of taxes.

By Beach:

A bill for an act to provide fees for the appointment and to prescribe the duties of a State Examiner for the State of Montana.

By Beach:

A bill for an act requiring all County and District Officers to report the fees and emoluments received by them to the County Commissioners and requiring the County Clerk to report the substance thereof to the State Auditor, and for the publication of the same.

By Beach:

A bill for an act to fix the compensation for board of prisoners confined in county jails.

By Beach:

A bill for an act concerning compensation of County, District and Township Officers.

A bill for an act fixing the fees for the performance of certain official duties by the Secretary of State.

By Toole:

A bill to prescribe the duties of the State Board of Examiners.

By Toole:

A bill to provide an appropriation for the care and maintainance of the insane.

By Toole:

Also, a bill to appropriate money for the care and keeping of the State convicts.

Also, a bill to define the number, duties and pay of employes of the Legislative Assembly.

Also, a bill for a general appropriation for the Legislative Executive and Judicial Departments of the State.

By Hardenbrook:

A bill for an act to define the liability of Railroad companies for stock killed by them.

By Breen:

A bill to regulate the hours of labor for underground mining.

By Blakeley.

A bill to make Gallatin County a separate Judicial District and the appointment of a Judge therefor.

By Whaley:

A bill for an act to provide certain duties for County Assessors.

By Whaley:

A bill for an act to amend Sections 1831 and 1836, Fifth Division Compiled Statutes of Montana.

By Goodman:

A bill for an act relating to information in criminal cases.

By Harlan:

A bill providing for the apportionment of Members of the House of Representatives.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 3d, 1891.

Mr. President:

I have the honor to inform your Honorable body that the following Notices of the Introduction of bills have been given in the House of Representatives.

By Holter:

A bill in relation to the assessment of mortgages and other property.

By Twohy:

A bill to provide for a State Inspector of illuminating oils, for the State of Montana.

By Frank:

An act defining the powers and prescribing the duties of additional District Judges.

By Hastie:

A bill providing for the organization and government of irrigation districts, and the sale of bonds arising therefrom.

By Penrose:

A bill to repeal Sections 252, of the Fourth Division of the Compiled Statutes of Montana.

By Penrose:

A bill to repeal Section 253, of the Fourth Division of the Compiled Statutes of Montana.

By Penrose:

A bill to repeal Section 254, of the Fourth Division of the Compiled Statutes of Montana.

By Dusseault:

A bill for an act concerning cruelty to animals, providing penalties against persons who neglect or cruelly treat the same.

By Day:

A bill for an act entitled, an act regulating State and County printing, with provisions for violations of the same.

By Beach:

A bill for an act to provide for the care and keeping of the convicts confined in the State Penitentiary.

By Breen:

A bill creating the office and defining the duties of Coal Mine Inspector.

By Carney:

A bill to amend section 4 of the Fifth Division of the Compiled Statutes.

By Carney:

A bill for an act to allow the raising of the waters of the Jefferson River for irrigating purposes.

By Harlan:

A bill providing for an amendment to the State Constitution in relation to terms of County Commissioners.

By Wallace:

A bill for an act defining and prohibiting trusts.

By Wallace:

A bill for a Bureau of Labor, Agriculture, and Industry, and defining the powers and duties of its commission.

By Wallace:

A bill for prohibiting profiting out of public moneys.

By Wallace:

A bill providing for publication of decisions of Supreme Court.

By Wallace;

A bill prescribing the compensation and duties of the Clerk of the Supreme Court and regulating his fees.

By Wallace:

A bill providing juries in the Supreme Court.

By Wallace:

A bill providing for a census.

By Wallace:

A bill regulating the letting of stationery and supply contracts.

By Wallace:

A bill to secure the taking of depositions in criminal cases.

Your Respectfully,
CHAS. Z. POND,
Chief Clerk.

Senator Thornton introduced :

S. B. No. 1—"An Act to provide for the holding of regular sessions of the Supreme Court," which was read first and second times and referred to the Committee on printing.

Senator Hedges introduced :

S. C. R. No. 2—"For the appointment of a commission to receive proposals for the location of public institutions," which was read first and second times and ordered printed.

Senator Cardwell requested leave to introduce without previous notice :

S. B. No. 2—"An Act ceding to the United States jurisdiction over certain lands," which was read first and second times and referred to the Committee on Printing.

Senator Hedges requested leave to introduce without previous notice :

S. M. No. 2—"For the removal of the mineral restriction upon school lands and the extension of the term of leases," which was read first and second times and referred to the Committee on Public Lands.

On motion of Senator Thornton the Senate took a recess for 20 minutes.

Senate resumed.

Mr. President in the chair.

The following notices of introduction of joint resolutions and bills were given:

By Thornton:

Joint resolution for the relief of A. P. Brown and others for services rendered the State of Montana.

By Hedges:

A bill for an act to provide for the publication of the Supreme Court Reports.

Also, a bill for an act to protect the title to school lands.

By Gibson:

A bill for an act to enable a county to incur a certain indebtedness

By Becker:

A bill for an act to create the county of Valley; to define its boundaries and provide for its organization.

Also, a bill for an act defining the powers and duties of the Board of Examiners of the State of Montana.

By Goddard:

A bill for an act to create the office of Marshal of the Supreme Court, to provide for the appointment, to define his duties and to fix his compensation.

Also, a bill providing for the immediate payment of the State funds into the State Treasury.

Also, a bill for an act to provide for the advertising of bids for furnishing supplies and printing for State officers and members of the Legislative Assembly.

Also, a bill for an act to enable universities and colleges under the patronage of religious bodies to reorganize and change their corporate name.

By Buford:

A bill for an act concerning obscene literature.

By Baylies:

A bill for an act to amend an act entitled, An act to provide for the payment of bounties for the killing of certain stock destroying animals, approved February 20th, 1889.

On motion of Senator Hedges the secretary was instructed to notify the House of present place of meeting and to request its consent thereto.

On motion of Senator Buford the Senate adjourned.

JNO. J. FALLON,
Secretary.

THIRTY-FIRST DAY.

Senate Chamber,
Helena, Montana, February 4th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the thirtieth day read and approved.

The following communication was received.

State of Montana,
Executive Office,
Helena, Montana, February 4th, 1891.

To the Senate:

I hereby nominate, and by and with the consent of the Senate appoint the following officers, to-wit:

Librarian of the Montana Law Library, Miss Lou Guthrie of Lewis and Clarke County.

Inspector of Mines, Joseph Hogan of Silver Bow County.

Deputy Inspector of Mines, Jacob Oliver of Silver Bow County.

Boiler Inspector, J. J. Layton, of Missoula County.

Deputy Boiler Inspector, William M. Adamson of Silver Bow County.

Jos. K. Toole,
Governor.

The consideration of the foregoing communication was postponed until after the order of business shall have been completed.

The following report was received:

To the Honorable Senate, Mr. President:

Your Committee on Rules, to whom was referred the mode of procedure with bills, papers, etc., after their second reading, recommend, that they be first referred to the appropropriate committee, and if reported favorably therefrom be then ordered printed.

D. J. HENNESSY,
Chairman Committee on Rules.

On motion of Senator Cardwell the report was adopted.

Bills were introduced as follows:

By Hoffman:

S. B. No. 3—A bill for an act to create the office of Public Land Agent, and to define the duties thereof.

By Hedges:

S. B. No. 4—An act to provide for the publication of the Supreme Court reports.

Also, S. B. No. 5—A bill for an act for the protection of the title of school lands.

By Hoffman:

S. B. No. 6—A bill for an act for the better protection of travelers.

By Becker:

S. B. No. 7—An act to create the county of Valley and define its boundaries.

Also, S. B. No. 8, entitled an act to define the duties of the State Board of Examiners.

By Gibson:

S. B. No. 9—A bill for an act to enable a county to incur certain indebtedness.

By Hennessy:

S. B. No. 10—An act to amend Sections 446, 467, 468 and 469 of Chapter XXV, 5th division General Laws of Montana, relating to corporations for industrial or productive purposes.

By Goddard:

S. B. No. 11—An act to provide for the advertising of bids for furnishing supplies for State officers and members of the Legislative Assembly.

Also, S. B. No. 12—A bill for an act requiring the immediate payment by county treasurers of the several counties into the State Treasury.

Also S. B. No. 13—A bill for an act to enable universities and colleges under patronage of religious bodies to reorganize and change their corporate name.

Also S. B. No. 14—A bill for an act to create the office of Marshal of the Supreme Court, to provide for his appointment, to define his duties and to fix his compensation.

By Thornton·

S. J. R. No. 1—For the relief of A. P. Brown et al for services rendered State of Montana.

S. Bills Nos. 3 and 5 were read first and second times and referred to the Committee on Public Lands.

S. Bills No. 4, 8, 14, and S. J. R. No. 1 were read first and second times and referred to the Committee on Judiciary.

S. Bills Nos. 6 and 10 were read first and second times and referred to the Committee on Corporations.

S. Bills Nos. 7 and 9 were read first and second times and referred to Committee on Counties, Towns and Municipal Corporations.

S. Bills Nos. 11 and 12 were read first and second times and referred to Committee on Finance and Claims.

S. B. No. 13 was read first and second time and referred to the Committee on Education.

The following communication was received:

Helena, Montana, Febuary 4th, 1891.

Mr. President:

I have the honor to inform your honorable body that S. J. M. No. 1 has been received by the House of Representatives, read first and second times, rules suspended, read third time and passed. Title agreed to.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 4th, 1891.

Mr. President:

I have the honor to inform your Honorable Body that the following bills have been introduced in the House of Representatives:

By Frank:

H. B. No. 1—A bill for an act entitled, to provide for an additional Judge for the District Court in the First and Second Judicial Districts of the State of Montana.

By Goodman:

H. B. No. 2—A bill for an act entitled An Act relating to information in criminal cases.

By Harlan:

H. B. No. 3—A bill for an act entitled, An Act fixing the number of the members of the House of Representatives of the State of Montana and the ratio of the same to population and apportioning the members among the Counties of the State:

By Toole:

H. B. No. 4—A bill for an act to prescribe the number, duties and compensation of the officers and employes of each House.

By Howey:

H. B. No. 5.—A bill for an act to provide for the management and maintenance of the State Prison

By Breen:

H. B. No. 6—A bill for an act to regulate contracts for underground labor and to provide for the enforcement thereof.

By Whaley:

H. B. No. 7—A bill for an act to amend sections 1831 and 1836, Fifth Division Compiled Statutes of Montana, relating to the office of Road Supervisor.

By Beach:

H. B. No. 8—A bill for an act requiring all County and District Officers to report the fees and emoluments received by them to the County Commissioners and requiring the County Clerks to report the substance, thereof, to the State Auditor and for the publication of the same.

By Beach:

H. B. No. 9—A bill for an act fixing the fees for the performance of certain official duties by the Secretary of State.

By Toole:

H. B. No. 10—A bill for an act to prescribe the duties of the State Board of Examiners.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

S. J. M. No. 1, was ordered enrolled.

Senator Hennessy presented the following:

Mr. President:

I hereby give notice that on to-morrow, or some subsequent day, I will introduce the following amendment to the Senate Rules:

To amend Rule 6 by adding thereto: "Every bill shall be introduced by a Senator after a notice given, or by an order of the Senate, or on report of a commmittee; and one day's notice at least shall be given of the introduction of a bill, unless two-thirds of the members present shall vote to dispense with such notice.

D. J. HENNESSY.

Notices of introduction of bills were given as follows:

By Hedges:

A bill to amend the Montana School Law.

Also, a bill to provide a Seal for the State of Montana.

Also, a bill to encourage the raising of sugar beet, and the manufacture of beet sugar.

By Thornton:

A bill for an act to provide for the collection, arrangemen and display of the products of the State of Montana at the

World's Columbian Exposition of 1893, and to make an appropriation therefor.

By Matts:

A bill for an act entitled, an act to provide for the selection, location, appraising, sale and leasing of State lands.

On motion of Senator Hoffman the Senate resolved itself into an Executive Session, with closed doors, for the consideration of the Governor's Message.

Senate resumed, with open doors, and the Secretary was directed to enter upon the Journal that the Senate in Executive Session had confirmed the following nominations of the Governor:

Librarian of the Montana Law Library, Miss Lou Guthrie of Lewis and Clark County.

Inspector of Mines, Joseph Hogan of Silver Bow County.

Deputy Inspector of Mines, Jacob Oliver of Silver Bow County.

Boiler Inspector, J. J. Layton, of Missoula County.

Deputy Boiler Inspector, William M. Adamson of Silver Bow County.

On motion of Senator Gibson the Senate adjourned.

JNO. J. FALLON,
Secretary.

THIRTY-SECOND DAY.

SENATE CHAMBER,
Helena, Montana, February 5th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—quorum present.

Absent—Senator Bown.

Prayer by the Chaplain.

Journal of the thirty-first day read and approved.

Senator Thornton presented a petition from Samuel Goalby, Recording Secretary of Knights of Labor, Local Assembly 7929 Granite, Montana, praying the Senate to support the 8 hour bill, introduced by Representative Breen in the House. The petition was referred to the Committee on Labor and Capital.

Senator Hoffman presented petitions relating to leasing of school lands, which were referred to the Committee on Public Lands

The following reports were received:

To the Honorable Senate, Mr. President:

We, your committee on Corporations other than Municipal, to whom was referred Senate Bill No. 6, beg leave to report that we have had the same under consideration, have made some amendments thereto, and herewith return the bill together with amendments and recommend that it do pass as amended.

D. J. HENNESSY,
Chairman Committee.

To the Honorable Senate, Mr. President:

We, your Committee on Corporations other than Municipal, to whom was referred Senate Bill No. 10, beg leave to report we have had the same under consideration and herewith return the bill with the recommendation that it do pass.

D. J. HENNESSY,
Chairman.

Mr. President.

The Committee on Judiciary to whom was referred Senate Bill No. 4, having had the same under consideration beg leave to submit the same with a recommendation that it do pass with the following amendments, to-wit:

Amend Section 3 by striking out the words "Five Hundred" where it occurs in said section, and substitute in lieu thereof the words "One Thousand."

Amend Section 4, by striking out the words "State" in the phrase "State Reports," where it occurs in the second line of said section.

Amend Section 5 by filling the blank therein with the word "Five."

Your Committee, to whom was also referred Senate Joint Resolution No. 1, have had the same under consideration, and recommend that the same be not printed or considered by the Senate, inasmuch as Section 20, of Article VII of the Constitution, requires all these claims to be passed upon by the State Board of Examiners, before being considered by the Legislative Assembly, and such claims have not been passed upon by said Board

Respectfully Submitted,
E. D. MATTS,
Chairman Judiciary Committee.

On motion of Senator Hoffman the amendments were adopted and S. B. No. 6, was ordered printed.

S. B. No. 10, was ordered printed.

The report of the Committee on S. J. R. No. 1, on motion of Senator Hedges, was adopted.

On motion of Senator Hedges the amendments offered to S. B. No. 4, were adopted and the bill ordered printed.

Bills were introduced as follows:

By Hedges:

S. B. No. 15—A bill for an act to provide for the Great Seal of the State of Montana, prescribing the design, designating the custodian and making appropriations for providing the same.

By Buford:

S. B. No. 16—For an act concerning Obscene Literature.

By Matts:

S. B. No. 17—An act to provide for the location, selection, appraisal, sale and leasing of State lands.

By Baylies:

S. B. No. 18—A bill for an act to amend an act to provide for the payment of bounties for the killing of certain stock destroying animals. Approved February 20, 1889.

S. B. No. 15, was referred to the Committee on Education.

S. B. No. 16, was referred to the Committee on Public Morals.

S. B. No. 17, was referred to the Committee on Public Lands.

S. B. No. 18, was referred to the Committee on Grazing and Stock Growing.

The following notice of introduction of a bill was given.

To the Senate, Mr. President:

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for an act to amend an act entitled, An Act concerning Savings Banks and Trust Deposits and Security Associations.

THORNTON.

The following report was received.

Mr. President:

By previous notice given I offer the following amendment to Rule 6, and recommend its addition thereto.

D. J. HENNESSY.

Amendment to Rule 6.

To amend Rule 6 by adding thereto: "Every bill shall be introduced by a Senator after a notice given, or by an order of the Senate, or on report of a Committee, and one day's notice at least shall be given of the introduction of a bill, unless two-thirds of the members present shall vote to dispense with such notice."

The report was referred to the Committee on Rules.

On motion of Senator Hennessy the following committees were authorized to employ clerks: Committees on Corporations other than Municipal, Mines and Mining, Public Lands, Apportionment and Representation, one clerk; Committee on Finance and Claims and Public Buildings, Hospitals, Prisons and Asylums, one clerk; Committee on Judiciary, one clerk; Committee on printing, one clerk.

The following communication was received:

State of Montana,
House of Representatives,
Second Legislative Assembly.
Helena, Montana, February 5th, 1891.

Mr. President:

I have the honor to inform your Honorable body that the following Notices of the Introduction of bills have been given in the House of Representatives.

By Lochray:

A bill regulating the mining of coal and for the protection of employes of coal mines in Montana.

By Breen:

A bill to prevent blacklisting:

By Howey:

A bill for an act to fix the number of school trustees in cities and towns.

By Loud:

A bill for an act entitled An Act to Create State and County Canvassing Boards, and to Prescribe the Duties of the same.

Also a bill for an act entitled An Act to Amend An Act to Provide for the Payment of Bounties for the Killing of Certain Stock-Destroying Animals, approved Feb. 20th, 1889.

A bill for an act entitled An Act to Protect the Grasses and Forests of the State From Destruction by Fire.

By Breen:

A bill to prevent the issuance of worthless checks.

By Carney:

A bill for an act to define the powers and prescribe the duties of State Board of Land Commissioners.

By Barrows:

A bill for an act entitled An Act Continuing the Code Commission and amending an Act of the Sixteenth Legislative Assembly of the Territory of Montana, approved March 14th, 1889, entitled An Act to Provide for the Appointment of a Commission to Codify the Criminal and Civil Law and Procedure and to Revise, Compile and Arrange the Statute Laws of Montana.

By Hoffman:

A bill to amend Section 1798 of the Fifth Division of Compiled Statutes of the State of Montana.

By Wallace:

1. For an act prescribing when laws shall take effect.
2. For an act concerning notaries' fees.
3. For an act concerning interest.
4. For an act defining embezzlement.
5. For an act concerning executions.
6. For an act to provide an index for District Court records.
7. For an act concerning fish.
8. For an act regulating payment of labor done and materials furnished to railways.

Yours Respectfully,

CHAS. Z. POND,
Chief Clerk.

Mr. President presented the following communication:

To the President of the Senate of the State of Montana:

Sir: In accordance with the provisions of Section 1319, Page 1013, Fifth Division, General Laws of Montana, I hereby resign the office of State Senator held by me in and for the First Senatorial District, consisting of the County of Beaverhead.

LAURENCE A. BROWN.

Dated at Helena, February 2d, 1891.

On motion of Senator Thornton the Senate adjourned.

The Senate met at 2 P. M.

Mr. President in the chair.

Roll called—Quorum present.

On motion of Senator Matts the resignation of Senator Brown was accepted by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Hennessy, Hoffman, Matts, Parberry, Redd, Thornton—10.

Noes—Baylies, Goddard, Hedges, Power, Thompson—5.

On motion of Senator Thornton the following changes were made as a substitute wherever the name of Senator Brown appeared on the standing committees:

Counties, Town and Municipal Corporations, Goddard.
Federal Relations, Power.
Mines and Mining, Power.
Public Lands, Baylies.
Roads, Highways and Bridges, Goddard.
Irrigation and Water Rights, Baylies.
Immigration, Power.
Finance and Claims, Thompson.
Public buildings, etc, Thompson.

On motion of Senator Hennessy the Senate adjourned.

JNO. J. FALLON,
Secretary.

THIRTY-THIRD DAY.

SENATE CHAMBER.
Helena, Montana, February 6th, 1891.

Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty-second day read and approved.

The following report was received:

Mr. President:

We, your Committee on Rules, to whom was referred the amendment to Rule 6, beg leave to report the same back and recommend that it be adopted and added thereto.

D. J. HENNESSY,
Chairman.

On motion of Senator Hedges the report was adopted.

The following reports were received:

Mr. President:

Your Committee on Printing beg leave to report Senate Bill No. 1. correctly printed.

BECKER,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Joint Memorial No. 1 correctly enrolled.

BECKER,
Chairman.

S. B. No. 1, reported correctly printed was placed on general file.

The following communication was received:

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, February 5th, 1891.

Mr. President:

I have the honor to inform your honorable body that the following bills have been introduced in the House of Representatives.

By Beach, Chairman of Committee Ways and Means:

H. B. No. 11—A bill for an act concerning compensation of County, District and Township officers.

By Beach:

H. B. No. 12—A bill for an act fixing the compensation for the board of prisoners in confined county jails.

By Beach:

H. B. No. 13—A bill for an act to provide for the appointment and to prescribe the duties of a State Examiner for the State of Montana.

By Frank:

H. B. No. 14—A bill for an act defining the powers and prescribing the duties of additional District Judges.

By Carney:

H. B. No. 15—A bill for an act to allow the raising of the waters of the Jefferson River for irrigating purposes.

By Harlan:

H. B. No. 16—A bill for an act providing for the submission to the qualified electors of the State of an amendment to the Constitution fixing the terms of County Commissioners.

By Twohy:

H. B. No. 17—A bill for an act entitled an act establishing the office of State Inspector of illuminating oils, fixing the mode of appointments, the fees for inspection, the salary of State Inspector, and the compensation of deputies and the penalties for violating any of the provisions of this act.

By Blakely:

H. B. No. 18—A bill for an act to create the Ninth Judicial District, State of Montana.

By Day:

H. B. No. 19—A bill for an act regulating State and County printing, with provisions for violations of the same.

By Wallace:

H. B. No. 20—A bill for an act prohibiting trusts.

By Penrose:

H. B. No. 21—A bill for an act to repeal Section 254, of the Fourth Division of the Compiled Statutes of Montana.

By Penrose:

H. B. No. 22—A bill for an act to repeal Section 252, of the Fourth Division of the Compiled Statutes of Montana.

By Penrose:

H. B. No. 23—A bill for an act to repeal Section 253, of the Fourth Division of the Compiled Statutes of Montana.

By Wallace:

H. B. No. 24—A bill for an act providing for a Bureau of Labor, Agriculture and Industry and defining the powers and duties of its commission.

By Howey:

H. B. No. 25—A bill for an act to provide for a Bureau of Agriculture, Labor and Industry.

By Holter:

H. B. No. 26—A bill for an act relating to the assessment of mortgages and other property.

By Wallace:

H. B. No 27—A bill for an act prescribing the compensation and duties of the Clerk of the Supreme Court.

By Dusseault:

H. B. No. 28—A bill for an act concerning cruelty to animals, providing penalties against persons who neglect or cruelly treat the same.

By Breen:

H. B. No. 29—A bill for an act creating the office of Coal Mine Inspector and defining his duties.

Your Respectfully,
CHAS. Z. POND,
Chief Clerk.

The following bill was introduced:

By Thornton:

S. B. No. 19—A bill for an act to amend an act entitled, An Act concerning Savings Banks and Trust Deposits in Security Associations, which was read first and second times, and referred to Committee on Corporations other than Municipal.

The following notices of introductions of bills were given:

By Goddard:

A bill for an act to amend an act entitled, An Act concerning that portion of Crow Indian reservation adjacent to Yellowstone County, approved March 5th, 1885.

By Hoffman:

A bill to create the Ninth Judicial District and the appointment of a Judge therefor.

On motion of Senator Thornton the Senate resolved itself into the Committee of the Whole for the consideration of S. B. No. 1, Senator Thornton in the chair.

Senate resumed.

Mr. President in the chair.

The Committee of the Whole made the following report.

Mr. President:

The Committee of the Whole, who had under consideration S. B. No. 1, beg leave to report the same back and recommend that it do pass.

C. W. HOFFMAN,
Chairman.

On motion of Senator Buford the report was adopted and the bill ordered engrossed.

On motion of Senator Hedges the Senate adjourned.

2 P. M.

Senate met at 2 P. M.

Mr. President in the chair.

Roll called—Quorum present.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 6th, 1891.

Mr. President:

I have the honor to inform your honorable body that the following Resolution has passed the House of Representatives:

Resolved, That House of Representatives of the Second Legislative Assembly of the State of Montana, hereby assents to the removal of Senate Chamber to the Power Block.

MONTEITH.

Very Repectfully,
CHAS. Z. POND,

Mr. President presented a communicatton from the Helena Board of Trade extending an invitation to Senators, Members and Clerks and their ladies to participate in a Complimentary Excursion, Tuesday evening next, the 10th instant.

On motion of Senator Buford the invitation was accepted.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 6th, 1891.

Mr. President:

I have the honor to inform your honorable body that H. J. M. No. 1 has passed the House and is hereby transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

H. J. M. No. 1, was read first and second times, on motion of Senator Hoffman, rules suspended, read third time by title and passed by the following vote.

Ayes—Baylies, Becker, Buford, Cardwell Gibson, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—Goddard—1.

Title agreed to.

Mr. President announced the signing of S. J. M. No. 1.

Senator Cardwell moved to take up regular order of business.

The following reports were received:

Mr. President:

The Committee on Public Lands, to whom was referred Senate Concurrent Resolution No. 2, beg leave to report the same back with amendments, and as amended recommend that it do pass.

C. W. HOFFMAN,
Chairman.

To the Senate, Mr. President:

Your Committee on Finance and Claims, having considered Senate Bill No. 11, beg leave to report that with the following amendments the bill do pass.

Amend Section 1 to read as follows: "That the Governor, Lieutenant Governor and Speaker of the House of Representatives, are hereby constituted ex-officio, a furnishing board, with the powers and duties hereinafter specified."

Strike out "Board of Examiners" in Section 2, and add "Furnishing Board."

Strike out "State Treasurer" in Section 2 and add "Speaker of the House of Representatives."

Respectfully Submitted,
W. M. THORNTON,
Chairman.

To the Senate, Mr. President:

Your Committee on Finance and Claims, having considered Senate Bill No. 12, recommend that the same do not pass.

W. M. THORNTON,
Chairman.

Mr. President:

The Committee on Public Lands, to whom was referred Senate Bill No. 5, beg leave to report the same back with the recommendation that it do pass.

C. W. HOFFMAN,
Chairman.

Mr. President:

Your Committee on Engrossment finds S. B. No. 1, correctly engrossed.

THOMPSON,
Chairman.

To the Honorable Senate of Montana:

Your Committee on Education have had under consideration Senate Bill No. 13, and herewith report the same back with a substitute and recommend the adoption of the substitute.

HEDGES,
Chairman.

Your Committee on Grazing and Stock Growing to whom was referred Senate Bill No. 18, for an act to amend an act entitled, An Act to provide for the payment of bounties for the killing of certain stock destroying animals, approved February 20th, 1889, have had the same under consideration, and with the following amendments recommend that it do pass as amended.

CARDWELL,
Chairman,

Amend Sec. 1, by erasing the word two where it may occur, after the word bear and lion, and insert the word five in lieu thereof, and in same section, erase the words fifty cents and insert the words one dollar, in lieu thereof, after the words wild cat, lynx or Bob cat.

Amend Sec. 5, by erasing the word taxpayer where it may occur and insert the words freeholder.

On motion of Senator Hedges the amendment to Senate Bills Nos. 2 and 11 were adopted and the bills ordered printed.

On motion of Senator Hedges the report of the Committee on S. B. No. 12 was adopted, Senator Cardwell moved that the bill be indefinitely postponed. Motion carried.

The report of the Committee on S. B. No. 5, was adopted and the bill ordered printed.

S. B. No. 1 reported correctly engrossed, placed on general file.

On motion of Senator Hoffman the substitute to S. B. No. 13 was adopted and ordered printed.

The amendments to S. B. No. 18 were adopted and the bill ordered printed.

The following bills were introduced:

By Thornton:

S. B. No. 20—A bill for an act to provide for the collection, arrangement and display of the products of the State of Montana at the World's Columbian Exposition of 1893, and to make appropriation therefore. Read first and second times and referred to Committee on Immigration.

By Hedges:

S. B. No. 21—A bill for an act to encourage the production of sugar beet and the manufacture of sugar therefrom in Montana. Read first and second times and referred to Committee on Agriculture.

By Hoffman:

S. B. No. 22—An act to create the Ninth Judicial District, State of Montana. Read first and second times and referred to Committee on judiciary.

The following notice of the introduction of a bill was given.

Mr President:

I will on to-morrow or some future day introduce a bill with reference to estrays upon the public domain.

[SIGNED.] CARDWELL.

S. B. No. 1, was read third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker—1.

Title agreed to.

On motion of Senator Buford the Senate took a recess for half an hour.

Senate resumed.

Mr. President in the chair.

The following report was received.

Mr. President:

Your Committee on Printing beg leave to report the correct printing of Senate Concurrent Resolution No 2. and Senate Bill No. 2.

BECKER,
Chairman.

S. B. No. 2 and S. C. R. No. 2 were placed on the Genera File.

On motion of Senator Buford the Senate resolved itself into the Committee of the Whole for the consideration of S. B. No. 2 and S. C. R. No. 2; Senator Buford in the chair.

Senate resumed.

Mr. President in the chair.

Senator Cardwell moved that the rules be suspended to allow the consideration of S. B. No. 2 and S. C. R. No. 2.

On motion of Senator Buford the Senate resolved itself into the Committee of the Whole for the consideration of S. B. No. 2 and S. C. R. No. 2, Senator Buford in the chair.

Senate resumed.

Mr. President in the chair.

The Committee of the Whole made the following report:

Mr. President:

The Committee of the Whole, who have had under consideration, S. B. No. 2, beg leave to report the same back and recommend that it do pass.

BUFORD.

Mr. President:

The Committee of the Whole, who have had under consideration S. C. R. No. 2, beg leave to report the same back and recommend that further consideration be indefinitely postponed.

BUFORD.

The report of the Committee of the Whole, on S. B. No. 2, was adopted and the bill ordered engrossed.

The report of the Committee of the Whole, on S. C. R. No. 2, was adopted.

Senator Redd presented the following which was adopted:

Resolved, That the President appoint a committee of three to examine the State Penitentiary at Deer Lodge for the purpose of ascertaining what improvements are needed for the safe custody of convicts contained therein.

Mr. President appointed Senators Redd, Buford and Power a committee.

On motion of Senator Goddard the Senate adjourned.

JNO. J. FALLON,
Secretary.

THIRTY-FOURTH DAY.

SENATE CHAMBER.

Helena, Montana, February 7th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Senator Hoffman absent on leave.

Prayer by the Chaplain.

Journal of the thirty-third day read and approved.

Senator Gibson excused until 3 P. M. Monday.

The following bills were introduced:

By Thornton:

S. B. No. 23—A bill for an act to provide for keeping the convicts at the State Penitentiary. Read first and second time and referred to Committee on Public Morals.

By Thornton:

S. B. No. 24—A bill for an act relating to Sureties on Undertakings and Bonds. Read first and second times and referred to the Committee on Judiciary.

By Committee on Stock Growing and Grazing:

S. B. No. 25—With reference to Estrays on the Public Domain. Read first and second times and referred to the Committee on Printing.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report to the Senate that S. J. R. No. 1, was presented to the Governor for his approval at the hour of 10:15 A. M. February 7th.

BECKER,
Chairman.

By Goddard:

S. B. No. 26—A bill for an act to make the selling or giving away of fire arms, ammunition, or other munitions, which can be used in fire arms to any Indian, a felony, and providing a penalty therefor. Read first and second times and referred to the Committee on Public Morals.

The following report was received:

Mr. President:

Your Committee on Engrossment finds S. B. No. 2, correctly engrossed.

THOMPSON,
Chairman.

S. B. No. 2 reported correctly engrossed was placed on General File.

The following notices of introduction of bills were given.

By Parberry:

A bill concerning the letting of contracts by the Board of County Commissioners, relating to the lettting of contracts for the maintenance of the poor.

Also, a bill for an act relating to the issuing of bonds by County Commissioners.

By Matts:

A bill for an act to declare the First Monday of September in each year to be a legal holiday, to be known and designated as "Labor Day."

Also, a bill for an act to create a Railroad Commission and to prescribe the powers and duties thereof.

S. B. No. 2 was read third time and passed by following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Gibson, Hoffman—2.

Title agreed to.

Mr. President presented a communication from Capt. G. C. Doane, Second Calvary, U. S. Army, dated at Fort Bowie, Arizona, January 31st, 1891, suggesting that the Legislature of Montana memorialize Congress to pass a bill retiring General Gibbon as a Major General, in recognition for his many deeds of bravery in defending the citizens of Montana from hostile Indians. The communication was referred to the Committee on Military Affairs.

On motion of Senator Hedges the Senate took a recess until 1 P. M.

1 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

The following communication was received:

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, February 7th, 1891.

Mr President:

I am directed by the House to transmit herewith H. B. No. 8 and H. B. No. 10, which have passed the House.

Very Respectfully,
Chas. Z. Pond,
Chief Clerk

H. B. No. 10—An act to prescribe the duties of the State Board of Examiners, was read first and second times and referred to Committee on Finance and Claims.

On motion of Senator Hennessy the Senate took a recess for 15 minutes.

Senate resumed.

Mr. President in the chair.

The following report was received.

To the Senate, Mr. President:

Your Committee on Finance and Claims, having considered House Bill No. 10, beg leave to report that the same do pass.

Respectfully Submitted,
W. M. THORNTON,
Chairman.

H. B. No. 10 was placed on General Orders.

On motion of Senator Hennessy the rules were suspended, and order of business No. 10 taken up.

On motion of Senator Hedges the Senate resolved itself into the Committee of the Whole for the consideration of H. B. No. 10, Senator Hedges in the chair.

Senate resumed.

Mr. President in the chair.

Senator Hedges, Chairman of the Committee of the Whole, reported H. B. No. 10 back, recommending that the same do pass. The report was adopted.

H. B. No. 8—An act requiring certain County and District Officers to report the fees and emoluments received by them to the County Commissioners and requiring the County Clerks to report the substance, thereof, to the State Auditor and for publication of the same. Read first and second times and referred to Committee on Finance and Claims.

On motion of Senator Hennessy the Senate adjourned until Monday at 3 P. M.

JNO. J. FALLON,
Secretary.

THIRTY-SIXTH DAY.

SENATE CHAMBER,
Helena, Montana, February 9th, 1891.

The Senate met pursuant to adjournment at 3 P. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the thirty-fourth day read and approved.

Senator Goddard was excused for to-day and to-morrow.

Senator Hennessy and Becker excused for to-morrow.

Senators Thornton, Gibson, Baylies, Thompson, Hedges, Cardwell, Parberry and Matts presented petitions relating to school lands.

The petitions were referred to the Committee on Public Lands.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 7th, 1891.

Mr President:

I have the honor to inform your honorable body that the following Notices of Introduction of bills, has been given in the House of Representatives:

By Higgins:

A bill for An Act to establish the office of County Auditor and to prescribe the duties of the same.

By Boardman:

A bill providing for the submission of the question of the permanent location of the seat of government.

By Blair:

A bill to protect certain squirrel destroying animals.

By Phillips:

A bill entitled an act to amend an act relating to highways and roads.

By Carney:

A bill to regulate the practice of medicine.

By Thompson:

A bill for an act to authorize women to transact business in their own name as sole traders.

By Blakeley:

A bill for an act to amend sec. 5 of an act to provide fees and compensation for the several county officers in the counties of Montana, approved March 14th, 1889.

By Stebbins:

A bill for an act entitled an act to punish drunkenness.

By Moran:

A bill for An Act to amend Sections 1144 and 1147 of the Fifth Division of the General Laws.

By Goodman:

A bill for an act entitled an act to amend Section 1880 of the laws of Montana in relation to publishing notices and the qualifications of electors at school elections.

By Holter:

A bill providing for the permanent location of the State Capital.

By Blakeley:

A bill for an act to provide for the recording of mining claims by a District Recorder.

By Roberts:

A bill to amend sections 1477, 1478, 1479, 1483, 1484, 1485 and 1486 of the 5th Division of the Compiled Statutes o Montana.

By Beach, Chairman of the Committee on Ways and Means:

A bill for an act to provide for the care and keeping of the Insane.

By Howey:

A bill for an act to establish a State Reform School and to provide for its management.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

Helena, Montana, February 7th, 1891.

Mr. President:

I have the honor to inform your Honorable body that the following Notices of the Introduction of bills have been given in the House of Representatives.

By Monteith:

A bill for an act to prevent and punish illegal voting at primary elections.

By Burns:

A bill for the relief of Christopher P. Connolly.

By Holter:

A bill to amend Section 447 of 5th Division Compiled Statutes of Montana.

By Frank:

A bill regulating licenses and the collection of the same.

By Frank:

A bill to pay Mussigbrod and Mitchell interest on past due accounts.

By Frank:

A bill to pay McTague and Conley interest on past due accounts and to pay them for improvements made at the Penitentiary.

By Harlan:

A bill for an act providing for an official ballot box to be used at elections in this State.

By Harlan:

Also, a bill for an act to amend an act entitled an act for the better protection of Game and Fish.

By Hardenbrook:

A bill for an act to more definitely describe the boundaries of Deer Lodge County.

By Harrington:

A bill to provide for the recording of conveyances of real estate.

By Stebbins:

A bill to prevent the sale of tobacco to certain minor children.

By Blair:

A bill to define the mode of procedure for the owners of agricultural lands to bring water across the lands of others for irrigation and other purposes.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 9th, 1891.

Mr. President:

I have the honor to inform your Honorable Body that the following bills have been introduced in the House of Representatives:

H. B. No. 30—Introduced by Beach, Chairman Committee Ways and Means, as a substitute to House Bill No. 5, a bill for an act to provide for the management and maintenance of State Prison.

H. B. No. 31—Introduced by Howey: A bill for an act to fix the number of School Trustees in cities and towns.

By Hastie:

H. B. No. 32—A bill for an act providing for organization of Irrigating Districts and the sale of the bonds for the same.

By Breen:

H. B. No. 33—A bill for an act for the protection of discharged employees and prevent blacklisting.

By Loud:

H. B. No. 34.—A bill for an act to amend an act entitled, An Act to provide for the payment of bounties for the killing of certain stock destroying animals.

By Wallace:

H. B. No. 35—A bill for an act providing for when laws shall take effect.

By Wallace:

H. B. No. 36—A bill for an act concerning Notaries fees.

By Wallace:

H. B. No. 37—A bill for an act defining embezzlement.

By Wallace:

H. B. No. 38—A bill for an act concerning executions.

By Wallace:

H. B. No. 39—A bill for an act to provide an Index for District Court records.

By Wallace:

H. B. No. 40—A bill for an act concerning fish.

By Wallace:

H. B. No. 41—A bill for an act regulating the payment of labor done and materials furnished to railways.

By Harlan:

H. B. No. 42—A bill for an act relating to official ballot boxes.

By Harlan:

H. B. No. 43—A bill for an act to amend an act for the better protection of game and fish.

By Wallace:

H. B. No. 44—A bill for an act to provide for the taking of depositions of persons imprisoned for purpose of securing their testimony in criminal proceedings.

By Blair:

H. B. No. 45—A bill for an act to define the mode of procedure in relation to right of way for ditches, flumes or canals for irrigating and other purposes.

By Stebbins:

H. B. No. 46—A bill for an act to regulate railway passenger fares.

By Lochray:

H. B. No. 47—A bill for an act regulating the mining of coal in the State of Montana and for the protection of employees of coal mines.

By Stebbins:

H. B. No. 48—A bill for an act to enable Courts of the State of Montana to procure proper seals.

By Holter:

H. B. No. 49—A bill for an act to amend Section 447 of Fifth Division Compiled Statutes of Montana.

By Barrows:

H. B. No. 50—A bill for an act continuing the Code Commission and amending an act of the Sixteenth Legislative Assembly of the Territory of Montana, approved March 14th, 1889, entitled an act to provide for the appointment of a commission to codify the criminal and civil law and procedure, and to revise, compile and arrange the Statute law of Montana.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 9th, 1891.

Mr. President:

I have the honor to inform your honorable body that H. B. No. 9 has passed the House and is herewith transmitted.

Your Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, February 7th, 1891.

To the Senate:

I have this day approved the following Joint Resolution: "Senate Joint Resolution No. 1, memoralizing the Congress of the United States to make a survey from the St. Mary's river to Milk river in the State of Montana."

JOS. K. TOOLE,
Governor.

S. B. No. 9—Fixing the fees for the performance of certain official duties by the Secretary of the State. Read first and second times and referred to the Committee on Finance and Claims.

The following bills were introduced:

By Parberry:

Senate Bill No. 27—An act to amend Section, 790 of the Fifth Division of the Compiled Statutes of Montana, relating to the issuance and sale of County bonds. Read first and second times and referred to the Committee on Counties, Towns and Municipal Corporations.

By Hedges:

Senate Bill No. 28—A bill for an act to amend the Montana School Laws.

By Matts:

Senate Bill No. 29—An act to declare the first Monday of September in each year to be a legal holiday to be known and designated as "Labor Day."

Senate Bills Nos. 28 and 29, read first and second times and referred to the Committee on Education

The following notice of an introduction of a bill was given.

By Thompson:

A bill for the better protection of dealers and consumers of kerosene oil within the State."

H. B. No. 10, read third time and passed.

Title agreed to by the following vote:

Ayes—Baylies, Cardwell, Gibson, Hedges, Hoffman, Matts, Parberry, Thompson, Thornton—9.

Noes—0.

Absent—Becker, Buford, Goddard, Hennessy, Power, Redd—6.

On motion of Senator Hoffman the Senate adjourned.

JNO. J. FALLON,
Secretary.

THIRTY-SEVENTH DAY.

SENATE CHAMBER,
Helena, Montana, February 10th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty-sixth day read and approved.

Senator Becker was excused for the day.

Senator Hennessy and Buford presented petitions relating to school lands. The petitions were referred to the Committee on Public Lands.

The following reports were received.

Mr .President:

Your Committee on Education, having had Senate Bill No. 28 under consideration, hereby report the same back with the recommendation for its favorable consideration.

HEDGES.

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 29, having had the same under consideration, hereby report the same back and recommend its favorable consideration, with the suggestion that the word "aside" in Section 1, be changed to "apart."

HEDGES,
Chairman.

To the Senate, Mr. President:

Your Committee on Finance and Claims, having considered House Bill No. 8, beg leave to recommend that the same do pass.

Respectfully Submitted,
W. M. THORNTON,
Chairman.

Mr. President:

The Commiitee on Judiciary, to whom was referred Senate Bill No. 14, having had the same under consideration, report the same back with sundry amendments attached thereto, and as amended, recommend its passage.

E. D. MATTS,
Chairman.

The reports were adopted.

Senate Bills Nos. 28, 29 and 14 were referred with amendments to the Printing Committee.

H. B. No. 8 was filed for General Orders.

On motion of Senator Hennessy the Senate resolved itself into the Committee of the Whole for the consideration of H. B. No. 8, Senator Hennessy in the chair.

Senate resumed.

Mr. President in the chair.

Senator Hennessy, Chairman of the Committee of the Whole, reported progress and asked leave for further time for consideration.

On motion of Senator Parberry the Senate took a recess for 10 minutes.

Senate resumed.

Mr. President in the chair.

On motion of Senator Hennessy the Senate resolved itself into the Committee of the Whole for the consideration of H. B. No. 8, Senator Hennessy in the chair.

Senate resumed.

Mr. President in the chair.

Senator Hennessy, Chairman of the Committee of the Whole, reported progress and asked for time to report.

The following report was received.

Mr President:

Your Committee on Printing, to whom were referred Senate Bills Nos. 5 and 6, beg leave to report the same correctly printed.

THOMPSON,
CARDWELL.

Senate Bills Nos. 5 and 6 were placed on General File.

Mr. President announced the signing of H. J. M. No. 1.

On motion of Senator Hedges the Senate resolved itself into the Committee of the Whole for the consideration of Senate Bills Nos. 5 and 6, Senator Hedges in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Senator Hedges the rules were suspended and the Senate resolved itself into the Committee of the Whole for the consideration of Senate Bills Nos. 5 and 6, Senator Hedges in the chair.

Senate resumed.

Mr. President in the chair.

Senator Hedges, Chairman of the Committee of the Whole presented the following report.

To the Honorable Senate:

The Committee of the Whole Senate have had under consideration Senate Bill No 5, and have amended the same by striking out the word "Prosecuting" in line (7) seven in Section 2, of the printed copy.

Also in line (23) twenty-three of Section 4, of the printed copy, insert the word "State" before the words, Board of Examiners. As thus amended the committee recommend its adoption. We further recommend that Senate Bill No. 6 be referred to the Judiciary Committee.

HEDGES,
Chairman.

The report was adopted.

Senator Hennessy, Chairman of the Committee of the Whole on consideration of H. B. No. 8, presented the following report:

Mr President:

Your Committee of.the Whole, to whom was referred H. B. No. 8, beg leave to report the same back with the accompanying amendments, and as amended recommend that it do pass.

D. J. Hennessy,
Chairman.

On motion of Senator Thornton the report was adopted. The bill with amendments referred to the Committee on Engrossment, to have the amendments engrossed.

The following communication was received:

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, February 10th, 1891.

Mr President:

I have the honor to transmit H. J. M. No. 2, which has passed the House.

Yours Repectfully,
Chas. Z. Pond,
Chief Clerk.

H. J. M. No. 2, House Joint Memorial concerning the Fort Shaw Military reservation was

Read first and second times and referred to the Committee on Public Lands.

On motion of Senator Hoffman the Senate adjourned.

2 P. M.

The Senate met at 2 P. M.

Mr. President in the chair.

Roll called—Quorum present.

Senator Becker excused until to-morrow.

Mr. President presented a communication from John Maguire inviting the Honorable Senate to attend the performance of Romeo and Juliet at Ming's Opera House, to-morrow, (Wednesday) evening at 8 P. M.

On motion of Senator Buford the invitation was accepted with thanks.

The following report was received:

Mr. President:

Your Committee on Printing begs leave to report S. B. No. 10 correctly printed, and S. B. No, 4 and Senate Memorial No. 2 with slight clerical errrors.

THOMPSON,
CARDWELL.

Senate Bills Nos. 10 and 4, and S. M. No. 2 were filed for General Orders.

Senator Thompson presented a petition from Dawson County praying the Senate not to support the passage of a bill dividing Dawson County. The petition was referred to the Committee on Counties, Towns and Municipal Corporations.

On motion of Senator Hennessy order of business No 10 was taken up and rules suspended for the consideration of business on the General File.

On motion of Senator Buford the Senate resolved itself into the Committee of the Whole for the consideration of business on the General File, Senator Buford in the chair.

Senate resumed.

Mr. President in the chair.

Senator Buford, Chairman of the Committee of the Whole, made the following reports:

Mr. President:

The Committee of the Whole, having considered S. B. No. 10, begs leave to report the same back with the recommendation that it do pass with the accompanying amendments.

|SIGNED.] BUFORD,
Chairman,

Mr. President:

The Committee of the Whole, having considered S. M No. 2, begs leave to report the same back and recommend that it do pass with the accompanying amendments.

BUFORD,
Chairman.

Mr. President:

The Committee of the Whole, having considered S. B. No. 4, begs leave to report the same back with the recommendation it do pass with the accompanying amendments.

BUFORD,
Chairman.

The reports with the amendments were adopted.

Senate Bills Nos. 10 and 4 and S. J. M. No. 2 were referred with amendments to the Committee on Engrossment.

On motion of Senator Hedges the Senate adjourned.

JNO. J. FALLON,
Secretary.

THIRTY-EIGHTH DAY.

SENATE CHAMBER,
Helena, Montana, February 11th, 1891.

Senate met at 10 A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the thirty-seventh day read and approved.

Senators Goddard and Becker were excused for the day.

The following reports were received:

Mr. President:

The Committee on Judiciary, to whom was referred Senate Bill No. 22, having had the same under consideration, report the same back with the recommendation that it do pass.

E. D. MATTS,
Chairman.

Mr. President:

Your Committee on Engrossment beg leave to report that the amendments to H. B. No. 8, have been correctly engrossed.

THOMPSON,
Chairman.

Senate Bill No. 22 was ordered printed.

Senator Cardwell gave notice that he would on to-morrow or some subsequent day, introduce a bill for the transferring of certain funds.

H. B. No. 8 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Hedges Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Becker, Goddard—2.

Title agreed to.

The following communications were received:

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, February 9th, 1891.

Mr. President:

I have the honor to inform your Honorable body that the following Notices of the Introduction of bills have been given in the House of Representatives.

By Toole:

A bill making appropriation for salary and expenses of State Mine Inspector and Assistant.

By Toole:

A bill making appropriation for salary and expenses of State Veterinary Surgeon.

By Toole:

A bill making appropriation for salary and expenses of State Boiler Inspector and Assistant.

By Toole:

A bill making appropriation for support of Insane.

By Toole:

A bill making appropriation for support of convicts.

By Toole:

A bill making appropriation for transportation and board of convicts in County Jails.

By Toole:

A bill making appropriation for transportation and education of deaf mutes and blind children.

By Toole:

A bill making appropriation for Montana Library and salary ot Librarian.

By Toole:

A bill making appropriation for National Guard of Montana

By Toole:

A bill making appropriation for State Board of Equalization.

By Toole:

A bill making appropriation for State Board of Pardons.

By Toole:

A bill making appropriation for State Board of Prison Commissioners.

By Toole:

A bill making appropriation for State Board of Land Commissioners.

By Toole:

A bill making appropriation for insurance of Arsenal.

By Toole:

A bill making appropriation for public printing of all kinds except the Codes and printing for the present Legislative Assembly.

By Loud:

A bill for an act to amend an act entitled an act concerning licenses.

By Howey:

A bill for an act to amend an act to prescribe the powers and duties of the State Board of Education.

By Poole:

A bill for an act to repeal Section 56 of an act entitled an act to provide for the levy of taxes and assessment of property, September 14, 1887, and to authorize County Commissioners to transfer certain county funds.

By Poole:

A bill for an actto regulate the rental and leasing of school lands.

By Harlan:

A bill for an act relating to crimes against the election franchise.

By Mitchell:

A bill for an act establishing the County of Teton, and designating the officers of the same.

By Higgins:

A bill for an act to establish, locate and support certain State institutions.

By Cory:

A bill for an act to legalize warrants issued by cities and towns.

By Burns:

A bill for an act appropriating certain money to defray extra expenses of the Constitutional Convention of the State of Montana.

Also a bill providing for editing and revision of the debates and proceedings of the Constitutional Convention of the State of Montana for the public printer.

By Wallace:

A bill for an act regulating the granting of pardons and respites and remissions and prescribing the functions and duties of the Board of Pardons.

By Harrington–Carney:

A bill for an act locating the State Normal School.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 10th, 1891.

Mr. President:

I have the honor to inform you that H. C. R. No. 4 has passed the House of Representatives and is hereby transmitted to your honorable body.

CHAS. Z. POND,
Chief Clerk.

H. J. R. No. 4—House Concurrent Resolution demanding all County Clerks to report to the Second Legislative Assembly, the fees and emoluments received by the County Officers of their respective counties.

Read first and second times and referred to the Committee on Finance and Claims.

On motion of Senator Hennessy the Senate adjourned until 2. P. M.

2 P. M.

Senate resnmed.

Mr. President in the chair.

Roll called—quorum present.

The following reports were received.

Mr. President:

Your Committee on Engrossment begs leave to report S. B. No. 5 and S. M. No. 2 correctly engrossed.

THOMPSON,
Chairman.

To the Senate, Mr. President:

Your Committee on Finance and Claims, having considered House Concurrent Resolution No. 4, beg leave to report it back with the recommendation that it do pass.

W. M. THORNTON,
Chairman.

H. C. R. No. 2 was placed upon the General File.

Senatar Redd introduced S. B. No. 30, a bill for an act to regulate practice of medicine in the State of Montana and to provide for the examination and issuing certificates to persons desirious of practicing the same, and for the punishment of persons violating the provisions of this act, which was read first and second times and referred to the Committee on Education.

On motion of Senator Hedges, the rules were suspended and the Senate resolved itself into the Committee of the Whole for the purpose of considering H. C. R. No. 4, Senator Matts in the chair.

Senate resumed

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 10th, 1891.

Mr. President:

I have the honor to inform your Honorable Body that the following bills have been introduced in the House of Representatives:

H. B. No. 51—Introduced by Stebbins:

A bill for an act to prevent the sale of tobacco to certain minor children.

H. B. No. 52—Introduced by Howey:

A bill for an act to establish a State Reform School and to provide for its management.

H. B. No. 53—Introduced by Loud:

A bill for an act to create State and County Canvassing Boards and to define the duties of the same.

H. B. No. 54—Introduced by Hardenbrook.

A bill for an act requiring railroad companies to pay for damages to stock.

H. B. No. 55—Introduced by Moran:

A bill for an act to amend sections 1144 and 1147 of the Fifth Division of the General laws.

H. B. No. 56—Introduced by Thompson:

A bill for an act to authorize married women to transact business in their own names as sole traders.

H. B. No. 57—Introduced by Phillips:

A bill for an act to amend Sections 1809 and 1819, Fifth Division, Compiled Statutes of Montana, relating to Roads and Highways.

H. B. No. 58—Introduced by Committee on Apportionment:

A bill for an act to appropriate money for the Executive, Legislative and Judicial Departments for the fiscal years ending December 1st, 1891 and December 1st, 1892.

H. B. No. 59—Introduced by Holter:

A bill for an act entitled an act providing for the submission of the question of the permanent location of the seat of government.

H. B. No. 60—Introduced by Roberts:

A bill for an act to amend Sections 1477, 1478, 1479, 1483, 1484, 1485 and 1486 of the Fifth Division, Compiled Statutes of Montana, relating to the location and recording of mining claims.

H. B, No. 61—Introduced by Goodman:

A bill for an act to amend Section 1880, of the school laws of Montana, in relation to publishing notices on the qualifications of electors at school elections.

H. B. No. 64—Introduced by Harrington:

A bill for an act providing for the recording of all deeds, mortgages and other instruments in writing for the conveyance or incumberance of real estate.

H. B. No. 65—Introduced by Monteith:

A bill for an act to prevent illegal voting at primary elections.

H. B. No. 62—Introduced by Beach, Chairman Committee on Ways and Means:

A bill for an act to provide for the care and keeping of the insane,

H. B. No. 63—Introduced by Loud:

A bill for an act concerning licenses. Approved September 14th, 1887.

H. B. No. 66—Introduced by Blair:

A bill for an act to protect certain squirrel and mice-destroying animals.

H. B. No. 67—Introduced by Norton:

A bill for an act to fix the number of school trustees in cities and towns.

H. B. No. 68—Introduced by Cory:

A bill for an act to legalize warrants issued by cities and towns.

H. B. No. 69—Introduced by Carney:

A bill for an act to regulate the practice of medicine in the State of Montana and to provide for the examination and issuing of certificates to persons desirous of practicing the same and for the punishment of persons violating the provisions of this act.

H. B. No. 70—Introduced by Burns:

A bill for an act providing for the editing and revision of the debates and proceedings of the Constitutional Convention of the State of Montana.

H. B. No. 71—Introduced by Burns:

A bill for an act appropriating the sum of seven thousand two hundred and twenty-eight dollars and sixty-eight cents, to pay extra expenses of the Constitutional Convention of the State of Montana.

H. B. No. 72—Introduced by Toole:

A bill for an act appropriating money for the support of the National Guard of Montana.

H. B. No. 73—Introduced by Toole:

A bill for an act appropriating money for the support of the Montana Library.

H. B. No. 74—Introduced by Toole:

A bill for an act to pay the expenses of the transportation and of the care, custody and maintenance of convicts confined in county jails.

H. B. No. 75—Introduced by Toole:

A bill for an act appropriating money to pay the salaries, office and travelling expenses of the Boiler Inspector and Assistant Boiler Inspector.

H. B. No. 76—Introduced by Toole:

A bill for an act to pay for the care, custody and maintenance of prisoners confined in the State Prison.

H. B. No. 77—Introduced by Toole:

A bill for an act appropriating money to pay for the care, custody and maintenance of the insane.

H. B. No. 78—Introduced by Toole:

A bill for an act appropriating money to pay the salary, office and travelling expenses of the Veterinary Surgeon.

H. B. No. 79—Introduced by Toole:

A bill for an act appropriating money to pay the expenses of education and transportation of deaf mutes and blind children.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

The following report was received:

Mr. President:

The Committee of the Whole to whom was referred House Concurrent Resolution No. 4, have had the same under consideration, and report the same back with the recommendation that it be concurred in.

E. D. MATTS.
Chairman.

S. M. No. 2 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

S. B. No. 5 was read third time and passed by following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy Hoffman Matts, Parberry, Power, Redd Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Hedges the rules were suspended, H. C. R. was read third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton.

Noes—0.

Title agreed to.

Senator Baylies presented a petition from citizens of Dawson County, praying for a division of said county, which was referred to the Committee on Counties, Towns, and Municipal Corporations.

On motion of Hedges the Senate adjourned.

JNO. J. FALLON,
Secretary.

THIRTY-NINTH DAY.

SENATE CHAMBER.
Helena, Montana, February 12th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the thirty-eighth day read and approved.

Mr. President announced the signing of H. B. No. 10.

The following reports were received.

Mr. President:

The Committee on Towns, Counties and Municipal Corporations to whom was referred Senate Bill No. 9, beg leave to report a substitute for the same, and recommend its favorable consideration.

GIBSON,
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report S. B. No. 10 correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report the following bills correctly printed: Nos. 11, 13, 25, 28 and 29.

BECKER,
Chairman.

Senate Bills Nos. 11, 13, 25, 28 and 29 were placed upon the General File.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 11th, 1891.

Mr President:

I am directed by the House of Representatives to inform your honorable body that Senate Bill No. 2 has passed the House. Title agreed to and the same is hereby transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. No. 2 was ordered enrolled.

Bills were introduced as follows:

By Cardwell:

S. B. No. 31—A bill for an act authorizing the State Treasurer to make a transfer of certain funds.

By Thompson:

S. B. No. 32—A bill for an act for the better protection of consumers of kerosene or coal oil.

Senate Bill No. 31 was read first and second times and referred to the Committee on Finance and Claims.

S. B. No. 32 was read first and second times and referred to the Committee on Corporations other than Municipal.

Senator Buford gave notice that he would on to-morrow or some future day introduce a bill for an act to amend an act in relation to town and village sites and plats.

S. B. No. 10 was read third time. Senator Goddard moved the unanimous consent of the Senate to strike out section 5. Unanimous consent was obtained and the bill passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Gibson—1.

Title agreed to.

The following report was received:

Mr. President:

The Committee on Public Lands have had under consideration H. J. M. No. 2 beg leave to report the same back with recommendation that it do pass.

Hoffman,
Chairman.

H. J. M. No. 2 was placed upon the General File.

On motion of Senator Hedges the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

A petition was presented by Senator Power from citizens of Choteau County in favor of the leasing of school lands, which was referred to the Committee on Public Lands.

The following reports were received.

Mr. President:

We, your committee to whom was referred Senate Bill No. 16, entitled an act for an act concerning obscene literature, having had the same under consideration, beg leave to report the bill back with the amendments submitted herewith, and recommend that the said bill be amended accordingly and that it do pass as amended.

Respectfully Submitted,
O. F. Goddard,
Chairman of Committee on Public Morals.

Mr. President:

We, your committee to whom was referred Senate Bill No. 26, entitled "a bill to make the selling or the giving away of firearms, ammunition or other munitions which can be used in firearms, to any Indian a felony, and providing a penalty therefor, having had the same under consideration, beg leave to report the same back with the above amendments and recommend that it do pass.

O. F. GODDARD,
Chairman of Committee on Public Morals.

Mr. President:

Your Committee on Agriculture and Manufactures to whom was referred S. B. No. 21, have had the same under consideration and beg leave to report the same back with the accompanying amendment and as amended recommend that it do pass.

GIBSON,
Chairman.

Mr President:

Your Committee on Finance and Claims, having considered Senate Bill No. 31, beg leave to report it back with the recommendation that it do pass.

Respectfully Submitted,
W. M. THORNTON,
Chairman.

Mr. President:

Your Committe on Printing beg leave to report Senate Bills 14 and 18 correctly printed.

BECKER,
Chairman.

The amendments reported to S. B. No. 16, 26, 21 and 31 were adopted and the same were ordered printed. Senate Bills Nos. 14 and 18 were placed on General File.

Senator Redd introduced S. M. No. 2, which was read first and second times and, on motion of Senator Hoffman, the rules were suspended, the memorial was considered, engrossed, read third time and passed by the following vote.

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Senator Hedges the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of business now on the General File. Gibson in the chair.

Senate resumed.

Mr. President in the chair.

The following reports were received.

Mr. President:

Your Committee of the Whole, having had under consideration H. J. M. No. 2, substitute for S. B. No. 13, report the same back, recommending that the same do pass.

GIBSON,
Chairman.

Mr. President:

Your Committee of the Whole to whom was referred S. B. No. 29, have had the same under consideration and beg leave to report the same back with accompanying amendments and as amended recommend that the same do pass.

GIBSON,
Chairman.

Mr. President:

Your Committee of the Whole, to whom was referred S. B. No. 28, beg leave to report the same back with the recommendation that the same be re-referred to the Committee on Education.

GIBSON,
Chairman.

Mr. President:

Your Committee of the Whole, to whom was referred S. B. No. 25, beg leave to report the same back with the accompanying amendments and as so amended recommend that the same do pass.

GIBSON,
Chairman.

Mr. President:

Your Committee of the Whole, to whom was referred S. B. No. 18, having had the same under consideration, beg leave to report the same back with the accompanying amendments, and as so amended recommend that the same do pass.

GIBSON,
Chairman.

Mr. President:

Your Committee of the Whole, to whom was referred S. B No. 14, have had the same under consideration, and beg leave to report the same back with accompanying amendments and as so amended recommend that the same do pass.

GIBSON,
Chairman.

Mr. President:

Your Committee of the Whole, to whom was referred S. B. No. 11, have had the same under consideration and, report the same back with the accompanying amendments, and as so amended recommend that the same do pass.

GIBSON,
Chairman.

The amendments offered by the Committee of the Whole on Senate Bills Nos. 18, 14, 28, 25 and 29 were adopted and the bills were ordered engrossed.

Substitute for S. B. No. 13 was ordered engrossed.

The following report was received:

Mr. President:

Your Committee on Engrossment beg leave to report S. B. No. 4 correctly engrossed.

THOMPSON,
Chairman.

S. B. No. 4 was read a third time and lost by the following vote:

Ayes—Buford, Hoffman, Matts, Thompson—4.

Noes—Baylies, Becker Cardwell, Gibson, Goddard Hedges, Hennessy, Parberry, Power, Redd, Thornton—11.

Senator Hedges gave notice that he would on to-morrow move a reconsideration of the vote by which S. B. No. 4 was lost.

Hoffman gave notice that he would on some future day introduce a bill to provide for an agricultural college and the location thereof.

Goddard introduced S. B. No. 33—A bill for an act to amend an act entitled an act concerning that portion of the Crow Indian Reservation adjacent to Yellowstone County, approved March 5th, 1885, which was read first and second times, and referred to the Committee on Towns, Counties and Municipal Corporations.

On motion of Parberry the Senate adjourned.

JNO. J. FALLON,
Secretary.

FORTIETH DAY.

SENATE CHAMBER,
Helena, Montana, February 13th, 1891.

Senate met at 10 A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the thirty-ninth day read and approved.

The following report was received.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 2 correctly enrolled and respectfully submit the same for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. No. 2.

The following reports were received.

Mr. President:

Your Committee on Education, having had under consideration Senate Bill No. 15, hereby report the same back with a substitute and recommend the adoption of the substitute

HEDGES,
Chairman.

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 28, having had the same under further consideration, hereby report the same back with a substitute and recommend the adoption of the substitute.

HEDGES,
Chairman.

Substitutes to Senate Bills Nos. 15 and 28, as reported by the Committee on Education, were adopted and S. B. No. 15 was ordered printed and S. B. No 28 placed on General File.

Bills were introduced as follows:

By Hoffman:

S. B. No. 34—An act to provide for an agricultural college and the location thereof.

By Goddard:

S. B. No. 35—An act conferring additional powers and duties on Clerks of the District Courts.

By Matts:

S. B. No. 36—An act to create a railroad commission and prescribe its powers and duties.

S. B. No. 34 was read first and second times and referred to the Committee on Public Buildings, Hospitals, Prisons and Asylums.

S. B. No. 35 was read first and second times and referred to the Committee on Judiciary.

S. B. No. 36 was read first and second times and referred to the Committee on Corporations other than Municipal.

Notices of the introduction of bills were given as follows:

By Hedges:

A bill for an act concerning the Historical Society of Montana and making an appropriation therefor.

By Thompson:

A bill annexing to Park County all of that portion of the Crow Reservation west of Clarke Fork River.

Also, a bill locating a State Normal School at Livingston, Montana.

By Buford:

A bill to amend Sec. 144, Fifth Division, General Laws of Montana.

By Matts:

A bill for an act to provide for the location of the State University.

Senator Goddard introduced S. J. M. No. 4, Joint Memorial to Congress of United States, concerning Crow Indian Treaty, which was read first and second times and on motion of Senator Goddard the rules were suspended, the memorial was considered engrossed, placed on its third reading and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Senator Buford the Senate resolved itself into the Committee of the Whole for the consideration of the General File, Buford in the chair.

Senate resumed.

Mr. President in the chair.

H. J. M. No. 2 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

The following report was received:

Mr. President:

Your Committee of the Whole to whom whom was referred S. B. No. 31, have had the same under consideration and beg leave to report the same back recommending that it do pass.

]SIGNED.] BUFORD,
Chairman.

S. B. No 31 was ordered engrossed.

On motion of Cardwell the Senate adjourned until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

The following reports were received.

Mr. President:

Your Committee on Finance and Claims, having had under consideration House Bill No. 9, beg leave to report it back with the accompanying amendment, and with the amendment, recommend that it do pass.

W. M. THORNTON,
Chairman.

Mr. President:

The Committee on Towns, Counties and Municipal Corporations, to whom was referred Senate Bill No. 7, beg leave to report that they have considered the same, and recommend that it do pass as amended.

GIBSON,
Chairman.

The amendments to H. B. No. 9 were adopted and the bill was ordered engrossed.

The amendments to S. B. No. 7 were adopted and the bill was ordered printed.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills 14 and 25 and substitute for S. B. 13 as correctly engrossed.

THOMPSON,
Chairman.

Bills were introduced as follows:

By Hedges:

S. B. No. 37—A bill for an act concerning the Historical Society of the State of Montana and making an appropriation therefor.

By Thornton:

S. B. No. 38—A bill for an act to fix the compensation of members of the Legislature of the State of Montana.

By Buford:

S. B. No. 39—A bill for an act entitled an act to amend Sec-144, Chapter X of the 5th Division of the Compiled Statutes of Montana.

S. B. No. 37 was read first and second times and referred to the Committee on Education.

Senate Bills Nos. 38 and 39 were read first and second times, and referred to the Committee on Finance and Claims.

Notices of the introduction of bills were given as follows:

By Becker:

A bill for the location of the State School of Mines at Glendive and to provide for the maintenance of the same.

By Power:

A bill to establish, maintain and locate the State Reform School at Fort Benton.

By Goddard:

A bill to establish the State University at Billings.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills 11, 18, 29 and 31 engrossed by type writer.

THOMPSON,
Chairman.

S. B. No. 13 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy Hoffman Matts, Parberry, Power, Redd Thompson, Thornton—15.

Noes—0.

Title agreed to.

S. B. No. 14 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy. Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

S. B. No. 25 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell Gibson, Goddard, Hedges Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker—1.

Title agreed to.

S. B. No. 11 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Becker, Parberry—2.

Title agreed to:

S. B. No. 18 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker—1.

Title agreed to.

The following communication was received:

THE STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, February 13th, 1891.

To the Senate:

In order to properly prepare claims for consideration by the State Board of Examiners, preserve copies of accounts, proofs presented and make the proper and necessary record of proceedings before the Board, we are unanimously of the opinion that the members comprising said Board cannot faithfully and fairly discharge their duties to the State as members of said Board without neglecting the duties of their respective offices as Governor, Secretary of State and Attorney General, unless they are allowed clerical assistance.

We, therefore, recommend an annual appropriation of six hundred dollars to be expended under the direction of the Board for clerical assistance.

JOS. K. TOOLE, Gov. and Ex-Officio Ch'm.,
L. ROTWITT, Sec. of State and Ex-Officio Sec.,
H. J. HASKELL, Attorney General,
State Board of Examiners.

The communication was referred to the Committee on Finance and Claims.

S. B. No. 29 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker—1.

Title agreed to.

S. B. No. 31 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker—1.

Title agreed to.

The following report was received.

Mr. President:

Your Committee on Engrossment begs leave to report amendments to H. q. No. 9 correctly engrossed.

THOMPSON,
Chairman.

H. B. No. No. 9 was placed upon the General File.

In pursuance to notice given on yesterday, Senator Hedges moved a reconsideration of the vote by which S. B. No. 4 was lost. The motion to reconsider was lost.

The following report was received.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 2 submitted to the Governor for his approval at 3:10 P. M., February 13th.

BECKER,
Chairman.

Senator Hennessy gave notice that he would on to-morrow or some subsequent day introduce a bill entitled an act to provide for a Mineral Land Commissioner for the State of Montana, to define his duties and provide for his compensation and expenses.

On motion of Senator Parberry the Senate adjourned.

JNO. J. FALLON,
Secretary.

FORTY-FIRST DAY.

SENATE CHAMBER.
Helena, Montana, February 14th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the fortieth day read and approved.

On motion of Senator Thornton, Senator Buford was excused for the day.

Mr. President announced the signing of H. C. R. No. 4.

The following reports were received.

Mr. President:

The Committee on Public Lands have had under consideration Senate Bill No. 3, beg leave to report that the same has been incorporated into Senate Bill No. 17.

HOFFMAN,
Chairman.

Mr. President:

The Committee on Public Lands have had under consideration Senate Bill No. 17, beg leave to report the same back with amendments and as amended recommend that it do pass.

HOFFMAN.

Mr. President:

Your Committee to whom was referred Senate Bill No. 23, an act to provide for keeping the convicts at the State Penitentiary, having considered the same, beg leave to report the same back with the recommendation that it do pass.

O. F. GODDARD,
Chairman Committee on Public Morals.

February 14th, 1891.

Mr. President:

Your Committee on Education to whom was referred Senate Bill No. 37, having had the same under consideration, hereby report the same back to the Senate with a recommendation for its favorable consideration.

HEDGES,
Chairman.

Mr President:

We, Your Committee on Corporations other than Municipal, to whom was referred Senate Bill No 32, have had the same under consideration and beg leave to report it back together with amendment and as amended recommend it do pass.

D. J. HENNESSY,
Chairman.

Mr. President:

Your Committee on Finance and Claims, having had Senate Bill No. 38 under consideration, beg leave to report it back with the recommendation that it do pass.

Respectfully Submitted,
W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Finance and Claims, having had Senate Bill No. 39 under consideration, beg leave to report it back with the recommendation that it do pass.

Respectfully Submitted,
W. M. THORNTON,
Chairman.

The amendments to Senate Bills Nos. 17 and 32 were adopted and the bills were ordered printed.

Senate Bills Nos. 23, 37, 38 and 39 were ordered printed.

Bills were introduced as follows:

By Committee on Mines and Mining:

S. B. No. 40—An act to provide a Mineral Land Commissioner for the State of Montana, to define his duties and provide for his compensation and expenses.

By Committee on Finance and Claims:

S. B. No. 41—An act to provide clerical assistance for the State Board of Examiners.

Senate Bills No. 40 and 41 were ordered printed.

Senator Hennessy introduced S. J. R. No. 2, a Joint Resolution to the Governors and Legislatures of the States of Idaho, Washington, California, Colorado, Nevada, Wyoming and Oregon and the Territories of Utah, Arizona and New Mexico, which was read first and second times, the rules suspended, the resolution considered engrossed and passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—12.

Noes—0.

Absent—Buford, Gibson, Power—3.

Title agreed to.

The Committee on Mines and Mining introduce S. J. M. No. 5, to the Congress of the United States for such action as will preserve mines and mineral lands in Montana to the people," which was read first and second times, and on motion of Senator Hennessy, the rules were suspended, the memorial was considered engrossed and passed by the following vote:

Ayes—Baylies, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—11.

Noes—0.

Absent—Becker, Buford, Gibson, Power—4.

Title agreed to.

The Committee on Mines and Mining introduced S. J. M. No. 6, a Joint Memorial to the Senate and House of Representives of the United States in Congress assembled, which was read first and second times, and on motion of Senator Hennessy the rules were suspended the memorial considered engrossed and passed by the following vote:

Ayes—Baylies, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—11.

Noes—0.

Absent—Becker, Buford, Gibson, Power—4.

Title agreed to.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.

Helena, Montana, February 12th, 1891.

I am directed by the House of Representatives to return H. B. No. 8 to have amendments certified to.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Goddard the Secretary of the Senate was directed to return H. B. No. 8 to the House and to inform that body that they had been informed by official communication of the amendments adopted by the Senate.

On motion of Senator Goddard the Senate took a recess for 15 minutes.

Senate resnmed.

Mr. President in the chair.

Notices of the introduction of bills were given as follows:

By Redd:

A bill for an act to amend Chapter XXIX of the Fifth Division of the Compiled Statutes, entitled Insurance Companies.

By Goddard:

A bill to amend Section 214, Chapter XII, Fourth Division Compiled Statutes of Montana, concerning poisoning of domestic animals.

The following report was received:

Mr. President:

Your Committee on Printing beg leave to report Senate Bills 21, 26 and 22 and substitute Senate Bill No. 15 correctly printed.

BECKER,
Chairman.

Senate Bills No. 21, 26 and 22 and substitute for Senate Bill No 15 were placed upon General File.

On motion of Hedges the Senate resolved itself into a Committee of the Whole for the consideration of General Orders, Becker in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr President:

Your Committee on Corporations other than Municipal, to whom was referred S. B. No. 36, have had the same under consideration and beg leave to report back the same with the recommendation that it be not printed and do not pass.

D. J. HENNESSY,
Chairman.

On motion of Matts, the report was rejected and S. B. No. 36 was ordered printed.

The following report was received:

Mr. President:

The Committee of the Whole, having considered substitute for Senate Bill No. 28, begs leave to report the same back with the recommendation that it do pass.

BECKER,
Chairman.

S. B. No. 28 was referred to the Committee on Engrossment.

On motion of Hedges the Senate adjourned until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

Parberry introduced S. B. No. 42, to prescribe the number and duties of the officers and employes of each House, and to fix the compensation of the members, officers and employes of the same, which was read first and second times and referred to the Committee on Judiciary.

On motion of Senator Hedges the Senate resolved itself into a Committee of the Whole for the consideration of General Orders, Hoffman in the chair.

Senate resumed.

Mr. President in the chair.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 14, 1891.

Mr. President:

I have the honor to inform your honorable body that S. J. M. No. 4, House Bills Nos. 16, 67, 77 and 80 have passed the House and are hereby transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 14th, 1891.

Mr. President:

I am directed by the House of Representatives to return to your honorable body H. B. No. 8 with amendments asking for the official certification of the same, as this body is unable to determine whether the amendments received with your communication of the 11th inst. are the same amendments made by your body to said H. B., as the same bear no official notification of that fact.

Very respectfully,

CHAS. Z. POND,

Chief Clerk.

The Secretary of the Senate was directed to confer with the Chief Clerk of the House as to what the House required as to H. B. No. 8 amendments.

On motion of Senator Matts, Senator Goddard was elected as President pro tem for the balance of the day.

On motion of Senator Matts the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of bills now on the General File.

Hoffman in the chair.

Senate resumed

President pro tem Goddard in the chair.

H. B. No. 16—a bill for an act providing the submission to the qualified electors of the State an amendment to the Constitution fixing the terms of County Commissioners. Read first and second times and referred to the Judiciary Committee.

H. B. No. 67—Substitute for H. B. No. 31, entitled a bill for an act entitled an act to fix the number of School Trustees in cities and towns, was read first and second times and referred to the Committee on Counties, Towns and Municipal Corporations.

H. B. No. 77—an act appropriating money for the care, custody, and maintenance of the insane, was read first and second time and referred to the Bommittee on Finance and Claims.

H. B. No. 80—an act appropriating money to pay the salaries, office and traveling expenses of the Inspector of Mines, was read first and second times and referred to the Committee on Finance and Claims.

The following report was received:

Mr. President:

Your Committee of the Whole, to whom was referred S. B. No. 21, report the same back, recommending that the same do pass.

Your Committee have also considered S. B's. Nos. 15, 26, and 22 and recommend that, as amended, that the same do pass.

HOFFMAN,
Chairman.

The amendments to S. Bills Nos. 15, 26, and 22 were adopted and S. Bills Nos. 15, 26, 22, and 21 were ordered engrossed.

On motion of Hedges, the Senate adjourned until 3 P. M. Monday next.

JNO. J. FALLON,
Secretary.

FORTY-THIRD DAY.

SENATE CHAMBER,
Helena, Montana, Feby. 16, 1891.

The Senate met pursuant to adjournment at 3 P. M.

President pro tem Thornton in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the forty-first day read and approved.

Senator Buford was granted an indefinite leave of absence on account of sickness.

Senators Redd, Hennesey, and Power were excused for the day.

A petition in favor of the leasing of school lands, from citizens of Yellowstone County, was presented by Senator Goddard and referred to the Committee on Public Lands.

The following reports were received:

Mr. President:

Your Committee on Judiciary, to whom was referred S. B. No. 8, having had the same under consideration, report the same back with the recommendation that its further consideration be indefinitely postponed, in as much as the general provisions of the bill have been embodied in a bill that has now become a law.

E. D. MATTS,
Chairman.

Mr. President:

Your Committee on Engrossment beg leave to report Senate Bills Nos. 21, 23, 26, and 28, also Substitute for S. B. No. 15, correctly engrossed.

THOMPSON,
Chairman,

Mr. President:

Your Committee on Printing beg leave to report Senate Bills No. 7 and 16, aud Senate Substitute Bill, No. 9 correctly printed.

BECKER,
Chairman.

Mr. President:

Yonr Committee on Enrollment beg leave to report S. J. M. No. 4 correctly enrolled, and respectfully submit the same for your signature.

BECKER,
Chairman.

On motion of Senator Hedges, S. B. No. 8 was laid upon the table.

S. Bills Nos. 7 and 16, and substitute for S. B. No. 9, were placed upon the General Orders.

Mr. President pro tem announced the signing of S. J. M. No. 4.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 12th, 1891.

I have the honor to inform your honorable body that the following Notices of the Introduction of bills have been given in the House of Representatives.

By Clark:

A bill for an act to provide for the establishment, corporation and maintenance, management and support of the Montana School of Mines.

By Goodman:

A bill amending Sections 790 and 1808 of Fifth Division of the General Laws of Montana.

By Hastie:

A bill providing for an additional Judicial District comprising the County of Cascade.

By Wallace:

A bill concerning elections to fill vacances in State Legislatures.

By Howey:

A bill for an act appropriating money to pay the salaries of members and officers of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana.

By Harlan:

A bill for an act to protect the timber of the school Lands of the State.

By Goodman:

A bill to amend sections 1813, 1815 and 1817 of the Fifth Division of the Compiled Statutes of Montana, relating to roads and highways.

By Boardman:

A bill for an act providing for the listing and taxation of property belonging to telegraph companies.

By Boardman:

A bill for an act providing for listing and taxation of property belonging to telephone companies.

By Boardman:

A bill for an act providing for the manner of listing and valuing for taxation the property of railroads in the State.

By Thompson:

A bill for an act relating to Building, Loan and Savings Associations.

By Penrose:

A bill for an act to regulate railroad fares in the State of Montana.

By Penrose:

A bill for an act to prohibit railroad companies from giving free transportation to members of the newspaper press of the State.

By Stebbins:

A bill for an act to establish and locate a State Normal School.

By Blair:

A bill for an act to provide for the recording of marks and brands.

By Frank:

A bill for the protection of keepers of hotels, inns, boarding and eating houses.

Yours Repectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 16th, 1891.

I have the honor to inform your honorable body of the following Notices of Introduction of bills, has been given in the House of Representatives:

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Becker the following resolution was adopted:

Resolved, By the Senate and House of Representatives of the Second Legislative Assembly of the State of Montana, that a committee of ten (10), consisting of three (3) members of the Senate and seven (7) members of the House of Representatives, be appointed by the President of the Senate and Speaker of the House respectively, for the purpose of determining what legislation is absolutely essential to the best interests of the State at the present time, and that they be instructed to recommend the passage of such laws and acts as will best serve the interests and welfare of the people of the State; and be it further

Resolved, That the members of the Senate and the House of Representatives do hereby agree to lay aside all partisan feeling and personal ambition and devote their undivided time during the remainder of said session to the enactment of these important measures, to the end that the State may be spared the expense and the members the annoyance and inconvenience of an extra session.

[Signed.] BECKER.

In accordance with the foregoing resolution, the President pro tem appointed as a committee of the Senate, Senators Gibson, Matts and Goddard.

S. B. No. 22 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Gibson, Goddard, Hedges, Hoffman, Matts, Parberry, Thompson, Thornton.—11.

Noes—None.

Absent, Buford, Hennessy, Power, Redd—4.

Title agreed to.

Substitute for S. B. No. 15 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Gibson, Goddard, Hedges, Hoffman, Matts, Parberry, Thompson, Thornton—11.

Noes—None.

Absent, Buford, Hennessy, Power, Redd—4.

Title agreed to.

The following communication was received:

STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Feb. 16, 1891.

To the President of the Senate:

I have the honor to transmit herewith a concurrent resolution of the Legislative Assembly of the State of Kansas, relating to a commercial congress, for such action as you may be pleased to take thereon.

JOS. K. TOOLE,
Governor.

The matter referred to in the foregoing communication was referred to the Committee on Commerce and Navigation.

Mr. President pro tem announced the signing of H. J. M. No. 2.

S. B. No. 28 was read a third time and passed by the following vote:

Ayes—Baylies, Cardwell, Gibson, Goddard, Hedges, Hoffman, Matts, Parberry, Thompson, Thornton—10.

Noes—None.

Absent, Becker, Buford, Hennessy, Power, Redd--5.

Title agreed to.

S. B. No. 26 was read a third time and passed by the following vote;

Ayes—Baylies, Cardwell, Gibson, Goddard, Hedges, Hoffman, Matts, Parberry, Thompson, Thornton—10.

Noes—None.

Absent, Becker, Buford, Hennessy, Power, Redd—5.

Title agreed to.

S. B. No. 21 was read a third time and passed by the following vote:

Ayes—Baylies, Cardwell, Gibson, Goddard, Hedges, Hoffman, Matts, Parberry, Thompson, Thornton.

Noes—0.

Absent—Becker, Buford, Hennessy, Power, Redd—5.

Title agreed to.

On motion of Hedges, the Secretary of the Senate was instructed to certify to all amendments to House bills before transmitting the same to the House.

The following report was received:

Mr. President:

Your Committee on Judiciary, to whom was referred S. B. No. 42, have had the same under consideration, report the same back with two substitutes, and recommend the passage of the substitutes.

E. D. MATTS,
Chairman.

On motion of Senator Hedges the report was adopted and S. Bills Nos. 43 and 44 were received as a substitute for S. B. No. 42, and S. B. No. 42 was laid upon the table.

S. Bills Nos. 43 and 44 were ordered printed.

On motion of Hedges the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of matters now on the general file.

Thompson in the chair.

Senate resnmed.

Mr. President pro tem in the chair.

The following report was received.

Mr. President:

Your Committee on Enrollment beg leave to report S. J. M. No. 4 submitted to the Governor for his signature, at 4 P. M. February 16.

BECKER,

Bills were introduced as follows:

By Matts:

S. B. No. 45—A bill for an act to establish, locate, maintain and govern the University of the State of Montana.

By Thompson:

S. B. No. 46—A bill to provide for a State Normal School at Livingston, Montana.

S. Bills Nos. 45 and 46 were read first and second times and referred to the Committee on Public Buildings, Hospitals, Prisons and Asylums.

On motion of Parberry the Senate adjourned.

JNO. J. FALLON,
Secretary.

FORTY-FOURTH DAY.

SENATE CHAMBER,
Helena, Montana, February 17th, 1891.

Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the forty-third day read and approved.

Senator Baylies presented a petition from citizens of Fergus County asking for the creation of the Tenth Judicial District, which was referred to the Committee on Judiciary.

The following reports were received.

Mr. President:

The Committee of the Whole having considered S. B. No. 7, begs leave to report the same back with amendments, and as amended recommend that it do pass.

THOMPSON,
Chairman.

Mr. President:

The Committee of the Whole having considered substitute for Senate Bill No. 9, begs leave to report the same back with the recommendation that it do pass.

THOMPSON,
Chairman.

To the Senate, Mr. President:

Your Committee on Public Buildings, Hospitals, Prisons and Asylums, having had Senate Bill No. 34 under consideration, beg leave to report it with the accompanying amendments and with the amendments recommend that it pass.

W. M. THORNTON,
Chairman.

The amendments to S. B. No. 7 were adopted and S. B. No. 7 and substitute for S. B. No. 9 were ordered engrossed.

The amendments to S. B. No. 34 were adopted and the bill was ordered printed.

Senator Baylies introduced S. B. No. 47, a bill for an act to create the Tenth Judicial District of Montana, and providing for its organization, which was read first and second times and referred to the Committee on Judiciary.

Senator Cardwell gave notice of a bill to provide for a State Architect.

On motion of Senator Hennessy the Senate resolved itself into a Committee of the Whole for the consideration of the General File, Senator Baylies in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Senator Thornton the Senate took a recess until 3 P. M.

3. P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

The following reports were received:

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred S. B. No. 19. having had the same under consideration and beg leave to report back the same together with the substitute therefor and recommend that the substitute do pass.

D. J. HENNESSY,
Chairman.

Mr. President:

The Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill No. 33, beg leave to report the same back, and recommend its favorable consideration.

GIBSON,
Chairman.

Mr. President:

Your Committee on Engrossment, begs leave to report S. B. No. 7 correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

The Committee on Judiciary to whom was referred S. B. No. 6, have had the same under consideration, and report the same back with amendments attached thereto, and as amended recommend that it do pass.

MATTS,
Chairman.

Mr. President:

Your Committee on Printing begs leave to report Senate Bill No. 23 correctly printed.

BECKER,

Chairman.

Mr. President:

The Committee of the Whole having considered S. B. No. 16 begs leave to report the same back with the recommendation that it do pass, and ask further time in which to consider H. B. No. 9.

BAYLIES,
Chairman.

Sub. to S. B. No. 19, as reported by the Committee on Corporations other than Municipal, was adopted and the same was ordered printed.

S. B. No. 33 was ordered printed.

S. B. No. 16 was ordered engrossed.

The amendments offered by the Committee on Judiciary to S. B. No. 6 were adopted and the same was ordered engrossed.

S. B. No. 23 was placed upon the General File.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
Helena, Montana, February 16th, 1891.

Mr. President:

I am directed by the House of Representatives to inform your Honorable body that Sanate Joint Memorials No's. 5 and 6, and Senate Joint Resolution No. 2 have passed the House, and are herewith transmitted.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
Helena, Montana, February 16th, 1891.

Mr. President:

I have the honor to inform your honorable body that B. Bills Nos. 37, 39, 58, 74, 78, 79, have passed the House of Representatives, title agreed to and are hereby transmitted.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

S. J. R. No. 2, and S. J. M. Nos. 5 and 6 were ordered enrolled.

H. B. No. 58—A bill for an act to appropriate money for the Executive, Legislative and Judicial Departments for the fiscal years ending December 1st, A. D. 1891, and December 1st, 1892, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 39—A bill for an act entitled an act to provide an index to District Court records, was read first and second times and referred to the Committee on Judiciary.

H. B. No. 74—An act appropriating money to pay the expenses of the transportation, custody and maintenance of convicts confined in county jails, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 37—A bill for an act entitled an act amending Section 92, Fourth Division of the Compiled Statutes of Montana, relating to embezzlement, was read first and second times and referred to the Committee on Judiciary.

H. B. No. 78—An act appropriating money to pay the salary, office and traveling expenses of the Veterinary Surgeon, was read first and second times and referred to the Committee on Stock Growing and Grazing.

H. B. No. 79—An act appropriating money to pay the expenses of the education and transportation of deaf mutes, feeble minded and blind children, was read first and second times and referred to the Committee on Finance and Claims.

Senator Hennessy introduced S. B. No. 48—An act to exempt from taxation certain property held by incorporate companies under the laws of the State of Montana, which company pay to their members and families sickness and funeral benefits, which was read first and second times and referred to the Committee on Corporations other than Municipal.

Senator Goddard gave notice of a bill for an act to amend Sections 62 and 431 of the Code of Civil Procedure, relating to the change of place of trial.

On motion of Senator Thornton, the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of all bills now on the General File.

Baylies in the chair.

Senate resumed.

Mr. President in the chair.

The following report were received:

Mr. President:

The Committee of the Whole have had under consideration Senate Bill No. 23, and have instructed me to report the same back to the Senate and ask for further time.

BAYLIES,
Chairman.

Mr. President:

The Committee of the Whole have had under the consideration H. B. No. 9 and have instructed me to report the same back with a recommendation that it be referred to the Judiciary Committee.

BAYLIES,
Chairman.

The foregoing reports were adopted and H. B. No. 9 was referred to the Committee on Judiciary.

S. B. No. 7 was read a third time.

Goddard moved to indefinitely postpone the bill.

Motion lost.

The bill passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Gibson, Hennessy, Matts, Parberry, Power, Thompson—9.

Noes—Goddard, Hedges, Hoffman, Redd, Thornton—5.

Absent—Buford—1.

Title agreed to.

On motion of Goddard the Senate took a recess for ten minutes.

Senate resumed.

Mr. President in the chair.

The following reports were received.

Mr President:

Your Committee on Finance and Claims, having considered House Bill No. 58, beg leave to report the same back with the recommendation that it be concurred in.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 74, have had the same under consideration, and report the same back with the recommendation that it be concurred in.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Finance and Claims, having considered House Bill No 79, beg leave to report it back with the recommendation that it be concurred in.

W. M. THORNTON,
Chairman.

House Bills Nos. 58, 74 and 79 were placed upon the General File.

On motion of Senator Hennessy the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of House Bills Nos. 58, 74 and 79 now on the General File, Power in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr. President:

Your Committee of the Whole, to whom was referred House Bills 58, 74 and 79, beg leave to report the same back with the recommendation that they do pass.

POWER,
Chairman.

On motion of Matts, unanimous consent of the Senate was given, the rules were suspended and House Bills Nos. 58, 74 and 79 were ordered to be read by their titles and placed upon their final passage.

H. B. No. 58 was read a third time and passed by the following vote:

Ayes—Baylies, Cardwell, Gibson, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—12.

Noes—0.

Absent—Becker, Buford, Goddard—3.

Title agreed to.

H. B. No. 74 was read a third times by title and passed by the following vote:

Ayes—Baylies, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—12.

Noes—0.

Absent—Becker, Buford, Cardwell—3.

Title agreed to.

H. B. No. 79 was read a third times by title and passed by the following vote:

Ayes—Baylies, Cardwell, Gibson, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—12.

Noes—0.

Absent—Becker, Buford, Goddard—3.

Title agreed to.

Thompson moved that the vote by which the report of the Committee on Counties, Towns and Municipal Corporations on S. B. No. 33 was adopted, be reconsidered and that the report be rejected.

Hedges moved to amend by having the report re-committed to the Committee on Counties, Towns and Municipal Corporations.

Thornton moved an amendment to the amendment that the report be referred to the Committee on Judiciary.

The amendment to the amendment was lost and the motion as amended by Hedges prevailed.

On motion of Hedges S. B. No. 33 was recalled from the Committee on Printing.

On motion of Parberry the Senate adjourned.

JNO. J. FALLON,
Secretary.

FORTY-FIFTH DAY.

SENATE CHAMBER,
Helena, Montana, Feby. 18, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the forty-fourth day read and approved.

The following reports were received.

Mr. President:

Your Committee on Education, to which was referred S. B. No. 30. having had the same under consideration, hereby report the same back with a recommendation that its further consideration be indefinitely postponed.

HEDGES,
Chairman.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 16, have had the same under consideration, and report the same back with an amendment attached thereto, and as amended recommend that it be concurred in.

MATTS,
Chairman.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bills Nos. 9, 37 and 39, have had the same under consideration and report the same back with the recommendation that they be concurred in.

E. D. Matts,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Senate Bills 32, 38, 39, 40 and 41 correctly printed.

Becker,
Chairman.

On motion of Senator Hedges, S. B. No. 30 was laid upon the table.

The amendments reported to H. B. No. 16 were adopted and they were ordered engrossed.

H. B. Nos. 9, 37 and 39, and S. B. Nos. 32, 38, 39, 40 and 41 were placed upon the General File.

Bills were introduced as follows:

By Cardwell:

S. B. No. 49—A bill for an act to provide for a State architect.

By Buford:

S. B. No. 50—An act to amend an act in relation to Town and Village sites and plats.

By Thompson:

S. B. No. 51—An act concerning that part of the Crow Indian Reservation adjoining to Park County.

By Goddard:

S. B. No. 52—For an act to amend sections 62 and 431, Code of Civil Procedure, of Compiled Statutes of Montana, relating to change of place of trial.

S. B. No. 49 was read first and second time and referred to the Committee on Public Buildings, Hospitals, Prisons and Asylums.

S. B. Nos. 50 and 51 were read first and second times and referred to the Committee on Counties, Towns and Municipal Corporations.

S. B. No. 52 was read first and second times and referred to the Committee on Judiciary.

Mr. President announced the signing of H. B. No. 58.

On motion of Thompson the Senate took a recess for 20 minutes.

Senate resumed.

Mr. President in the chair.

Senator Hedges introduced S. C. R. No. 3, Resolution of sorrow and respect for the death of Secretary of Treasury Windom; Admiral Porter and General Sherman, which was read first and second times, the rules were suspended, the resolution considered engrossed and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy Hoffman Matts, Parberry, Power, Redd Thompson, Thornton—15.

Noes—0.

Title agreed to.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report S. B. Nos. 6 and 16, and amendments to H. B. No. 16 correctly engrossed.

THOMPSON,
Chairman.

S. B. No. 16 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

S. B. No. 6 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton—13.

Noes—Cardwell, Parberry—2.

Title agreed to.

H. B. No. 16 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hennessy, Hedges, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Hennessy, the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of bills now on the General File.

Goddard in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Thornton, the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

The Committee on Immigration were granted further time to report on S. B. No. 20.

Mr. President announced the signing of H. B. Nos. 74 and 79.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report substitute for S. B. No. 9, as being correctly engrossed.

THOMPSON,
Chairman,

Senator Matts introduced S. B. No. 53—A bill for an act entitled an act to provide for the examination of the work of the Code Commission, which was read first and second times, and referred to the Committee on Judiciary.

On motion of Senator Buford, the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Senator Matts in the chair.

Senate resumed.

Mr. President in the chair.

Parberry introduced S. B. No. 56—A bill for an act to provide for and to regulate the registration of votes in cities and towns and in precincts having a voting population of 250 or more, which was read first and second times and referred to the Committee on Elections.

The following reports were received:

Mr President:

The Committee of the Whole beg leave to report, that it has had under consideration H. B. No. 9, and directed me to report the same back with the recommendation that it be concurred in.

GODDARD,
Chairman.

Mr. President:

The Committee of the Whole have had under consideration House Bill No. 39, and have directed me to report the same back with the recommendation that it be concurred in.

GODDARD,
Chairman.

Mr. President:

The Committee of the Whole beg leave to report, that it has had under consideration Senate Bill No. 41, and has instructed me to report the same back with the recommendation that it do pass.

GODDARD,
Chairman.

Mr. President:

The Committee of the Whole beg leave to report, that it has had under consideration Senate Bill No. 40, and recommend that it do pass as amended.

GODDARD,
Chairman.

Mr. President:

The Committee of the Whole have had under consideration House Bill No. 37, and has directed me to report the same back with the recommendation that it be concurred in.

GODDARD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred S. B. No. 32, have had the same under consideration, and report the same back with the recommendation that it do pass.

MATTS,
Chairman.

Mr. President:

The Committee of the Whole to whom was referred Senate Bills Nos. 23, 38 and 39, have had the same under consideration, and instruct me to report the same back and ask for further time for their consideration.

MATTS,
Chairman.

Amendments to H. B. No. 9, Senate Bills Nos. 41 and 40, were ordered engrossed.

S. B. No. 32 was ordered engrossed.

Substitute for Senate Bill No. 9 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges Hennessy, Hoffman, Matts, Parberry, Power Redd, Thompson, Thornton—15.

Noes—0.

Title amended to read:

A bill for an act to amend Sections 795, 796 and 808 of the Fifth Division of the Compiled Statutes of Montana.

H. B. No. 37 was read a third time and passed by the following vote.

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 39 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Title agreed to.

Senator Hennessy presented a petition from citizens of Granite praying for the repeal of the Sunday law, which was read and referred to the Committee on Public Morals.

On motion of Senator Hennessy the Senate adjourned.

JNO. J. FALLON,
Secretary.

FORTY-SIXTH DAY.

SENATE CHAMBER,
Helena, Montana, Feby. 19th, 1891.

Senate met at 10 o'clock, A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the forty-fifth day read and approved.

Senator Buford presented a petition from Madison County, asking for the location of a public institution within the County, and particularly at Sheridan. Referred to Committee on Public Buildings, Hospitals, Prisons and Asylums.

The following reports were received:

Mr. President:

Your Committee on Elections, to whom was referred Senate Bill No. 56, beg leave to report that they have had the same under consideration, and recommend that the bill be referred to the Committee on Printing.

PARBERRY,
Chairman.

Mr. President:

Your committee, to whom was referred S. B. No. 20, respectfully beg leave to report that said bill has been carefully considered, and the amendments herewith submitted are proposed, and we recommend that the bill do pass as amended.

BUFORD,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Senate Bill Nos. 37 and 43 correctly printed.

BECKER,
Chairman.

Mr. President:

Your Committee on Stock Growing and Grazing, to whom was referred House Bill No. 78, entitled An act appropriating money to pay the salary, office and traveling expenses of the Veterinary Surgeon, have had the same under consideration, and beg leave to report the same back with the recommendation that it do pass.

CARDWELL,
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills Nos. 32, 40 and 41, and amendments to H. B. No. 9, correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Joint Memorial No. 5, and Senate Joint Resolution No. 2, correctly enrolled, and respectfully submit the same to you for your signature.

BECKER,
Chairman.

S. B. Nos. 56 and 20 were ordered printed.

S. B. Nos. 37, 43, and H. B. No. 78, were placed on the General File.

Mr. President announced the signing of S. J. M. No. 5 and S. J. R. No. 2.

Notices of the introduction of bills were given as follows :

By Hedges:

A bill for an act to cede to the General Government jurisdiction over such ground as may be needed for public buildings in any city or town in the State.

By Goddard:

A bill for an act to cure defects in conveyances of land.

On motion of Hedges the rules were suspended and the Senate resolved itself into Committee of the Whole for the consideration of bills now on the General File.

Redd in the chair.

Senate resumed.

Mr. President in the chair.

S. B. No. 32 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessey, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

S. B. No. 40 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Hedges, Hennessey, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton, —13.

Noes—Goddard—1.

Absent—Baylies.

Title agreed to.

S. B. No. 41 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessey, Hoffman. Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 9 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Gibson, Goddard, Hedges, Hennessey, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton, Buford—15.

Noes—0.

Title agreed to.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate Joint Memorial No. 6 correctly enrolled and herewith submit the same for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. J. M. No. 6.

The following reports were received.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 23, have instructed me to report said bill to the Senate and recommend that it be made special order for Monday next, at 4 P. M.

R. G. REDD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 39, have had the same under consideration and have instructed me to report the bill back with a recommendation that it pass as amended.

R. G. REDD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 38, have instructed me to report the same back with a recommendation that it be laid upon the table.

R. G. REDD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 78, and Senate Bills Nos. 37 and 43, have had the same under consideration and have instructed me to report the same back with a recommendation that they do pass.

R. G. REDD,
Chairman.

S. B. No. 23 was made a special order for 4. P. M. on Monday next.

S. B. No· 39 amendments were adopted and the bill was ordered engrossed.

S. B. No. 38 was laid upon the table.

Senate Bills Nos. 37 and 43 were ordered engrossed.

On motion of Matts the following resolution was adopted:

Whereas, Section 1629 of the Fifth Division of the Compiled Statutes of Montana requires the party contracting to do the State's printing, to print and return to this body, all bills, reports and other documents ordered printed by this body, within three days after the delivery of a copy thereof; and, *Whereas*, important and necessary legislation may be defeated by delay in the printing of bills, so required to be printed by the Constitution of this State, owing to the brief remaining time of this Legislative Assembly; *Whereas*, some bills of this body have not been printed and returned within the time required by law. Therefore, be it

Resolved, By the Senate that the Secretary be instructed to notify the Journal Publishing Co., of this city, of the above provisions of law and of their contract, and of their non-compliance therewith in some cases; and that they be earnestly requested to print and return to this body all bills or other documents ordered printed, within a short a time as possible, that important legislation may not be defeated by unnecessary delays.

On motion of Parberry the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

The following report was received.

Mr. President:

Your Committee on Finance and Claims, having considered House Bills Nos. 77 and 80, beg leave to report them back and recommend that they do pass.

W. M. THORNTON,
Chairman.

House Bills Nos. 77 and 80 were placed upon the General Orders.

H. B. No. 78 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Thornton the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of bills now on the General File.

Parberry in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr. President:

Your Committee of the Whole to which was referred House Bills No. 77 and No. 80, have had the same under consideration and have instructed me to report the same back to the Senate with a recommendation that said Bills do pass.

WM. PARBERRY,
Chairman.

On motion of Hoffman the Senate adjourned.

JNO. J. FALLON,
Secretary.

FORTY-SEVENTH DAY.

Senate Chamber,
Helena, Montana, February 20th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the forty-sixth day read and approved.

Senator Baylies was granted a leave of absence for the day.

Senator Buford presented a petition from citizens of Madison county asking for the location of a public buildingin the county and particularly at Virginia City.

Referred to the Committee on Public Buildings, Hospitals, Prisons and Asylums.

Senator Cardwell presented a petittion from citizens of Jefferson county praying for the enactment of a Sunday law, which was read and referred to the Committee on Public Morals.

Sergeant-at-Arms Finlan was excused for the day.

On motion of Senator Buford the following resolution was adopted:

Resolved, by the Senate that we do this day select an assistant Sergeant-at-Arms and that Mr. Harry Warnington, of Madison County, be and he is hereby selected to fill the said office.

The following reports were received.

Mr President:

Your Committee on Engrossment begs leave to report Senate Bills Nos. 37, 39 and 43 correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Senate Bills Nos. 33 and 44 correctly printed.

BECKER,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Senate Bill No. 17 received from printer, but has not been checked over to ascertain if correctly printed.

BECKER,
Chairman.

Mr. President:

The Committee on Judiciary, to whom was referred S. B. No. 24, have had the same under consideration, and report it back without recommendation.

MATTS,
Chairman.

Mr. President:

The Committee on Judiciary, to whom was referred S. B. No. 52, having had the same under consideration, report the same back with the recommendation that it do pass.

E. D. MATTS,
Chairman.

Mr. President:

The Committee on Judiciary, to whom was referred S. B. No. 53, have had the same under consideration and recommend that it do not pass.

E. D. MATTS,
Chairman.

S. B. Nos. 33 and 44 were placed upon the General File.

On motion of Hedges further consideration of S. B. No. 53 was indefinitely postponed.

S. B. No. 17 was placed upon the General File.

S. B. Nos. 24 and 52 were ordered printed.

Bills were introduced as follows:

By Hedges:

S. B. No. 57—An act giving the consent of the State of Montana to the purchase by the United States of land in any city or town of the State for the purpose of United States court houses, post offices, and for other purposes.

By Goddard:

S. B. No. 58—A bill for an act to cure defects in conveyunces of lands.

H. B. No. 77 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—None.

Absent—Baylies—1.

Title agreed to.

H. B. No. 80 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Baylies—1.

Title agreed to.

S. B. No. 37 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Baylies—1.

Title agreed to.

S. B. No. 39 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—1.

Title agreed to.

S. B. No. 43 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton.—14.

Noes—None.

Absent—Baylies—1.

Title agreed to.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 19th, 1891.

Mr. President: I am directed by the House of Representatives to inform your honorable body, that the following notices of introduction of bills have been given in the House of Representatives:

By Frank:

A bill for the protection of keepers of hotels, inns, boarding and eating houses.

By Penrose:

A bill to regulate the practice of medicine in the State of Montana and to provide for the issuance of certificates to persons desirous of practicing the same.

By Penrose:

A bill to establish the Montana Medical College.

By Loud:

A bill for an act to amend section 1560, 5th division Compiled Statutes of Montana.

By Loud:

A bill appropriating money to pay bounties upon stock destroying animals.

By Woodson:

A bill for an act providing for the election of State and County officers.

By Blakeley:

A bill to provide for an agricultural college and the location thereof.

By Greenough:

A bill for an act amending fourth subdivision of section 3 of an act to provide for the levy of taxes and assessment of property, approved September 14th, 1887.

By Goodman:

A bill to prevent gambling, and to prevent the use of certain gambling devices in the State of Montana.

By Hughes:

A bill to provide ~~for~~ number and compensation of each House of the Legislative Assembly of the State of Montana.

By Wallace:

A bill to provide for bonding the outstanding indebtedness of the City of Helena.

Very Respectfully,

CHAS. Z. POND,

Chief Clerk.

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, February 20th, 1891.

Mr President: I am directed by the House to inform your honorable body, that the following bills have passed the House of Representatives, and are herewith submitted:

S. C. R. 3, H. B. No. 54, H. B. No. 23, H. B. No. 72, H. B. No. 76, H, B. No. 12, H. B. No. 62, S. H. B. 14.

Very respectfully,
Chas. Z. Pond,
Chief Clerk.

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, February 20, 1891.

Mr. President: I am directed by the House to inform your honorable body, that the following bills have been introduced in the House of Representatives:

H. B. No. 86—Introduced by Clark:

A bill to provide for the incorporation, establishment, maintenance, management and support of the Montana School of Mines.

H. B. No. 87—Introduced by Mitchell:

A bill to create the County of Teton, to define its boundaries and provide for its organization and the election of officers therefor.

H. B. No. 88—Introduced by Thompson.

A bill appropriating money for the benefit of the Montana Law Library.

H. B. No. 89—Introduced by Howey.

A bill appropriating money to pay the salaries of officers and members of the Senate and House of Representatives of the First Legislative Assembly of the State of Montana, and the mileage of said members at said session.

H. B. No. 90—Introduced by Wallace, Jr.:

A bill for an act to fill vacancies occurring in the Legislative Assembly.

By Hardenbrook—H. B. No. 01:

A bill to amend section 731, chapter 38, of the Fifth Division of the Compiled Statutes of Montana, defining the boundaries of Deer Lodge County and to render the same definite.

H. B. No. 92—By Higgins:

A bill entitled an act to establish, locate and support certain State institutions.

H. B. No. 93—By Blakeley:

A bill to repeal section 5 of an act entitled an act to provide fees and compensation for the several county officers in the counties of Montana.

H. B. No. 94—By Penrose:

A bill entitled an act to regulate railroad fares in the State of Montana.

H. B. No. 95—By Harlan:

A Bill for an act relating to duties of Clerks of Boards of County Commissioners in issuing notices of elections.

H. B. No. 96—By Frank:

A bill for an act to protect keepers of hotels, inns, boarding and eating houses.

H. B. No. 97—By Frank:

A bill to allow Armistead H. Mitchell and Charles F. Mussigbrod interest upon their claim against the State of Montana for the care and maintenance of the insane.

H. B. No. 98—By Penrose:

A bill to provide for the establishment and incorporation of the Montana Medical College.

H. B. No. 99—By Frank:

A bill entitled an act to allow Thomas TcTague and Frank Conley interest on their claim against the State of Montana for the keeping and maintenance of State convicts, also payments for improvements, additions and repairs made by said Conley and McTague in and to the State penitentiary at Deer Lodge, Montana.

H. B. No. 100—By Cory:

A bill to provide for the location and maintenance of public parks and boulevards.

H. B. No. 101—By Carney:

A bill to define the powers and prescribe the duties of the State Board of Land Commissioners of the State of Montana in relation to the leasing and sale of school, university and all other lands granted the State for educational purposes:

H. B. 102—Introduced by Blair:

A bill facilitating the recording of marks and brands.

H. B. 103—Introduced by Toole:

A bill appropriating money for the care and maintenance of the insane.

H. B. 104—Introduced by Hastie:

A bill to create the Eleventh Judicial District and providing for its organization.

H. B. 105—Introduced by Wallace:

A bill to provide for the outstanding indebtedness of the City of Helena.

H. B. 106—Introduced by Thompson:

A bill to prescribe the compensation of the Legislative Assembly.

Very respectfully,

CHAS. Z. POND,
Chief Clerk

S. J. R. No. 3 was ordered enrolled.

On motion of Matts the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of matters now on General File.

Senator Goddard in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Hennessy the Senate proceeded to the election of a Day Watchman.

Hennessy nominated for the office C. H. Switzler of Lewis and Clarke County, no other nominations being made, the Secretary was directed to cast the vote for Mr. Switzler, whereupon he was declared elected.

Harry Warmington, Assistant Sergeant-at-Arms elect, and C. H. Switzler, Day Watchman elect, took the oath of office, which was administered by Bernard Brown, Notary Public.

On motlon of Parberry the Senate took a recess until 2. P. M.

2. P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

The following reports were received:

Mr. President:

Your Committee on Public Buildings, Hospitals, Prisons and Asylums, having had under consideration, Senate Bills, Nos. 45 and 46, beg leave to report them back with the recommendation that they do pass.

Respectfully Submitted,
W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Joint Memorials Nos. 5 and 6 and Senate Joint Resolution No. 2 submitted to the Governor for his approval at 1:40 P. M., February 20th.

BECKER,
Chairman.

Mr. President:

You Committee on Enrollment beg leave to report Senate Concurrent Resolution No. 3 correctly enrolled and herewith submit the same for your signature.

S. B. Nos. 45 and 46 were ordered printed.

H. B. No. 12—An act fixing the compensation for the board of prisoners confined in county jails, was read first and second times and referred to Committee on Finance and Claims.

H. B. No. 14—A. bill for an act entitled an act defining the powers and prescribing the duties of additional District Judges, was read first and second times and referred to the Committee on Judiciary.

H. B. No. 23—An act to repeal Section 252, 253 and 254 of the fourth Division of the Compiled Statutes of Montana, was read first and second times and referred to the Committee on Judiciary.

H. B. No. 54—An act requiring railroad companies to pay for damages to stock, was read first and second times and referred to the Committee on Stock Growing and Grazing.

H. B. No. 62—An act to provide for the care and keeping of the insane, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 72—An act appropriating money for the support of the National Guard of Montana, was read first and second times and referred to the Committee on Military Affairs.

H. B. No. 76—An act appropriating money for the care, custody and maintenance of prisoners confined in the State prison, was read first and second times and referred to the Committee on Finance and Claims.

Mr. President announced the signing of S. C. R. No. 3.

The following reports were received.

Mr. President:

The Committee of the Whole, have instructed me to report that Senate Bill No. 33 was not properly before the Committee and to recommend that it be returned to the Committee on Towns and Counties in accordance with a previous order.

GODDARD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 17, have instructed me to report the same back and ask that further time be granted for its considerstion.

O. F. GODDARD,
Chairman.

Mr. President:

The Committee of the Whole have had under consideration Senate Bill No. 44 and have instructed me to report the same back with recommendation that it do pass.

O. F. GODDARD,
Chairman.

S. B. No. 33 was referred to the Committee on Counties, Towns and Municipal Corporations.

Parberry moved to amend S. B. No. 44 in line 9 of Section 13, by inserting the word "eight" in lieu of the word "seven." Thompson moved to amend by inserting the word "six."

The amendment was lost.

The original motion was lost.

The report of the Commitee of the Whole on S. B. No. 44 was adopted.

The bill was ordered engrossed.

On motion of Matts the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of S. B. No. 17.

Hoffman in the chair.

Senate resumed.

Mr. President in the chair.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 20th, 1891.

Mr. President: I am directed by the House to inform your honorable body, that the House of Representatives refuses to concur in Senate amendments to H. B. No. 9 and has appointed a Conferance Committee to confer with a similar committee of the Senate, House Committee consists of Messrs. Norton, Beach and Frank.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Hedges, the President appointed Senators Thornton, Hennessy and Hedges as a conference committee on the part of the Senate on H. B. No. 9.

The following reports were received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate Concurrent resolution number 3 presented to the Governor at 3:15 P. M February 20th, for his approval,

BECKER,
Chairman Enrolling Committee.

Mr. President:

Your Committee on Printing beg leave to report Senate Bills No. 34 correctly printed.

BECKER,
Chairman Printing Committee.

Mr. President:

Your Committee on Engrossing begs leave to report S. B. No. 44 correctly engrossed.

THOMPSON,
Chairman.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 20, 1891.

Mr. President:

I am directed by the House to inform your honorable body that H. B. No. 103 has passed the House and is herewith transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

H. B. No. 103, a bill for an act appropriating certain money for the care and maintenance of the Insane, was read first and second times and referred to the Committee on Finance and Claims.

The following report was received:

Mr. President:

Your Committee on Finance and Claims, having considered House Bill No. 103, beg leave to report it back with the recommendation that it do pass.

W. M. THORNTON,
Chairman.

On motion of Thornton, unanimous consent was given and H. B. No. 103 was read a third time and passed by the following vote:

Ayes—Becker, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Thompson, Thornton—12.

Noes—0.

Absent—Baylies, Buford, Redd—3.

Title agreed to.

S. B. No. 44 was read a third time and passed by the followidg vote:

Ayes—Becker, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton.—13.

Noes—None.

Absent—Baylies, Buford—2.

Title agreed to.

The following reports were received and adopted:

Mr. President:

Your Committee on Finance and Claims, and Public Buildings, Hospitals, Prisons and Asylums, in accordance with a motion adopted by the Senate on the 5th day of February, A. D., 1891, reference to which is made on page 86, of the Senate Journal, which reads as follows:

"On motion of Senator Hennessy the following committees were authorized to employ clerks:"

Committee on Corporations, other than Municipal, Mines and Mining, Public Lands and Apportionment, and Representation, one clerk.

Committee on Finance and Claims, Public Buildings, Hospitals, Prisons and Asylums, one clerk.

Committee on Judiciary, one clerk.

Committee on Printing, one clerk.

Did on the 5th day of February, A. D., 1891, employ Miss Hattie Southmayde as clerk of the Committees on Finance and Claims, and Public Buildings, Prisons, Hospitals and Asylums.

THORNTON,
Chairman.

Mr. President:

Your Committees on Corporations other than Municipal, Mines and Mining, Public Lands and Apportionment and Representation, in accordance with a motion adopted by the Senate on the 5th day of February, A. D., 1891, reference of which is made on page 86 of the Senate Journal, which reads as follows:

"On motion of Senator Hennessey the following committees were authorized to employ clerks:

Committee on Corporations, other than Municipal, Mines and Mining, Public Lands, and Apportionment and Representation, one clerk.

Committee on Finances and Claims, Public Buildings, Hospitals, Prisons and Asylums, one clerk.

Committee on Judiciary, one clerk.

Committee on Printing, one clerk.

Did on the 5th day of February, A. D., 1891, employ H. S. Howell as clerk of the committees as above.

D. J. HENNESSY,
Chairman Com. on Mines and Mining, and Corporations other than Municipal.

C. W. HOFFMAN,

Chairman Com. Public Lands and Apportionment and Representation.

Mr. President:

Your Committee on Judiciary, in accordance with a motion adopted by the Senate on the 5th day of February, A. D., 1891, reference of which is made on page 86 of the Senate Journal, which reads as follows:

"On motion of Senator Hennessy, the following committees were authorized to employ clerks:"

The Committee on Corporations other than Municipal, Mines and Mining, Public Lands, and Apportionment and Representtion, one clerk.

Committee on Finance and Claims, Public Buildings, Hospitals, Prisons and Asylums, one clerk.

Committee on Judiciary, one clerk.

Committee on Printing, one clerk.

Did on the 9th day of February, A. D., 1891, employ Miss Lillie Rosenbalm as Clerk of the Committee on Judiciary.

E. D. MATTS,
Chairman.

Mr. President:

Your Committee on Printing, in accordance with a motion adopted by the Senate on the 5th day of February, A. D., 1891, reference of which is made on page, 86, of the Senate Journal, which reads as follows:

"On motion of Senator Hennessy, the following committees were authorized to employ clerks:"

The Committee on Corporations other than Municipal, Mines and Mining, Public Lands, Apportionment and Representation, one clerk.

Committee on Finance and Claims, Public Buildings, Hospitals, Prisons and Asylums, one clerk.

Committee on Judiciary, one clerk.

Committee on Printing, one clerk.

Did on the 1st day of February, A. D., 1891, employ Miss Lillian Yerkes as Clerk of the Committee of Printing.

BECKER,
Chairman Printing Committee.

On motion of Parberry the Senate adjourned.

JNO. J. FALLON,
Secretary.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
Helena, Montana, Feby. 21th, 1891.

Senate met at 10 o'clock, A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the forty-seventh day read and approved.

The following reports were received:

Mr. President:

The Committee on Judiciary to whom was referred S. B. No. 47, have had the same under consideration, and report the same back with the recommendation, that it do pass.

MATTS,
Chairman.

Mr. President:

Your Committee on Federal Relations to whom was referred Senate bill No. 57, entitled an act giving the consent of the State of Montana, to the purchase by the United States of land in any city or town of the State, for the purpose of United States court houses, post offices and for other purposes, have had the same under consideration and beg leave to report the bill back, with the recommendation that it do pass.

CARDWELL,
Chairman.

S. B. Nos. 47 and 57 were ordered printed.

The following report was received:

Mr. President:

The Committee of the Whole to whom was referred Senate bill No. 17, a bill for an act entitled an act to provide for the selection, location, appraisal, sale and leasing of school lands, have had said bill under consideration and have instructed me to report the same back with amendments and to recommend that as amended said bill do pass.

HOFFMAN,
Chairman

The amendments to S. B. 17 were adopted and the bill was ordered engrossed.

Senator Baylies was excused for the day.

Senator Becker was excused until Monday next.

On motion of Senator Hoffman S. B. No. 34 was taken from the general file and made a special order for Tuesday next at 11 A. M.,

On motion of Goddard the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

Mr. President announced the signing of H. B. Nos. 77, 103, 80, 16, 37, 78, 39 and 8.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES.
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 21st, 1891.

Mr. President:

I am directed by the House to inform your honorable body that House Bills Nos. 88, 89, 113, 114, 120, 1, 2, and Senate Bill No. 1, have passed the House and are herewith transmitted.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. No. 1 was ordered enrolled.

The following report was received:

Mr. President:

Your Committee to which was referred Senate Bills Nos. 33 and No. 51, having given a full hearing and consideration hereby report the same back with the recommendation that Bill No. 33, be so amended as to annex to Yellowstone County all that portion of the Crow Reservation described therein, east of a line drawn due south from a point on the Yellowstone River directly opposite the present dividing line between Park and Yellowstone Counties, and with Bill 33, thus modified recommends that the further consideration of Bill No 51 be indefinitely postponed.

GIBSON,
Chairman.

Goddard moved that the report be not adopted.

On motion of Hennessy, the Senate adjourned until 4 P.M on Monday next.

JNO. J. FALLON,
Secretary.

FIFTIETH DAY.

Senate Chamber,
Helena, Montana, February 23rd, 1891.

The Senate met pursuant to adjournment at 4 P. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the forty-eighth day read and approved.

The hour having arrived, 4 P. M., for which S. B. No. 23 was made a special order, the same was brought before the Senate and on motion of Senator Hennessy the further consideration of the same was made a special order for 11 A. M. on Thursday next.

The Senate having adjourned on Saturday, pending the consideration of the report of the Committee of Counties, Towns and Municipal Corporations, the Senate's attention was called by the President to the motion made by Goddard that the report thereon be not adopted.

The motion of Goddard was lost.

On motion of Goddard S. B. Nos. 33 and 51 were recommitted to the Committee on Counties, Towns and Municipal Corporations.

The following reports were received:

Mr President:

Your Committee on Judiciary, to whom was referred House Substitute for H. B. No. 14, have had the same under consideration and recommend that it be concurred in.

MATTS,
Chairman.

Mr. President:

The Committee on Judiciary, to whom was referred H. B. No. 23, have had the same under consideration and instructed me to report the same back without recommendation.

E. D. MATTS,
Chairman.

Mr. President:

Your Committee on Finance and Claims having had under consideration House Bills Nos. 12, 62 and 76, beg leave to report them back with the recommendation that they do pass.

Respectfully submitted,
W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Substitute for Senate Bill No. 19 and Senate Bills Nos. 24, 46 and 52 correctly printed.

BECKER,
Chairman.

Mr. President:

Your Committee on Enrollment begs leave to report Senate Bill No. 1 correctly enrolled, and herewith submit the same for your signature.

BECKER,
Chairman.

H. B. Nos. 14, 12, 62 and 76 were placed on General File.

S. B. Nos. 19, 24, 46 and 52 were placed upon the General Orders.

Goddard moved that H. B. No. 23 be indefinitely postponed.

Motion lost.

H. B. No. 23 was placed upon the General File.

The following reports were received:

Mr. President:

Your Committee on Enrollment beg leave to report the name of Mr. Otto C. Joeckler, employed on February 17th, as assistant enrolling clerk, the same being found necessary by the amount of important work on hand and we respectfully ask the approval of the Senate.

BECKER,
Chairman.

On motion of Cardwell the report of the Committee was adopted.

Mr. President announced the signing of S. B. No. 1.

The following reports were received:

Mr. President:

Your Committee on Military affairs have had under consideration H. B. No. 72, beg leave to report the same back with the recommendation that the same do pass.

R. G. REDD,
Chairman.

Mr. President:

Your Committee on Commerce and Navigation to which was referred Senate Concurrent Resolution No. 20, adopted by the Legislative Assembly of the State of Kansas, beg leave to report the same back with the accompany Concurrent Resolution, and recommend the adoption thereof.

BUFORD,
Chairman.

H. B. No. 72 was placed upon the general file.

The following report was received.

Mr. President:

Your special committee appointed to visit the State prison at Deer Lodge beg leave to submit the accompanying report maps and papers.

R. G. REDD,
Chairman.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.

Helena, Montana, February 23rd, 1891.

Mr President:

I am directed by the House to inform your honorable body that a communication was received from the Senate some days since recommending that a committee be appointed by the House of Representatives, to confer with a like committee from the Senate with reference to the proper bills to be considered by present Legislative Assembly in view of the few days remaining for business, since your communication was received the House has taken action upon some subjects, and has appointed a committee consisting of sixteen, said committee meets this day at 6:30 P. M. and would respectfully invite similar committee from Senate to confer with House committee at that hour.

CHAS. Z. POND,
Chief Clerk.

Bills were introduced as follows:

By Matts:

S. B. No. 59—A bill for an act to provide for the appointment, terms of office, powers, duties and compensation of State Board of Education.

By Matts:

S. B. No. 60—A bill for an act to amend an act entitled an act to amend an act entitled an act to provide for the levy of taxes and assessment of property. Approved September 14th, 1887.

By Matts:

S. B. No. 61—A bill for an act entitled an act to amend Section 944 of the Fifth Division of the Compiled Statutes of Montana.

S. B. No. 59 was read first and second times and referred to the Committee on Education.

Senate Bills Nos. 60 and 61 were read first and second times and referred to the Committee on Finance and Claims.

S. C. R. No. 4, concerning Commercial Congress, was read first and second times and placed upon the General File.

H. B. No. 1, a bill for an act entitled an act to provide for an additional Judge for the District Courts in the first and second Judicial Districts, in the State of Montana, was read first and second times and referred to the Committee on Judiciary.

Substitute for H. B. No. 2, a bill for an act entitled an act relating to information in criminal cases, was read first and second times and referred to the Committee on Judiciary.

H. B. No. 88, a bill for an act appropriating money for the benefit of the Montana Law Library, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 89, an act appropriating money to pay the salaries of the officers and members of the Senate and House of Representatives of the first Legislative Assembly of the State of Montana and the mileage of said members at said session, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 113, an act appropriating money for the relief of Jessie P. Stafford for services rendered the State of Montana.

H. B. No. 114, an act appropriating money for the relief of A. P. Brown, for services rendered the State of Montana.

H. B. No. 120, an act appropriating money for the relief of A. C. Witter and others, were read first and second times and referred to the Committee on Finance and Claims.

On motion of Thompson the following resolution was adopted:

Resolved, That the Secretary of the Senate be instructed to procure a Montana State map for the use of the members of the Senate.

On motion of Parberry the Senate adjourned.

JNO. J. FALLON,
Secretary.

FIFTY-FIRST DAY.

SENATE CHAMBER,
Helena, Montana, February 24th, 1891.

Senate met, pursuant to adjournment, at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fiftieth day read and approved.

The following reports were received:

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 59, have had the same under consideration and herewith report the same back and recommend it to favorable consideration.

HEDGES,
Chairman.

Mr. President:

Your Committee on Printing begs leave to report Senate Bill No. 20 printed with slight clerical errors.

BECKER,
Chairman.

Mr. President:

Your Committee on Judiciary, to whom was referred S. B. No. 48, have had the same under consideration and report the same back with the recommendation that its further consideration be indefinitely postponed, in as much as the provisions of the bill will be amply covered by bills of a general nature relating to said subject.

E. D. MATTS,
Chairman.

Mr. President:

The Committee on Judiciary, having had House bill No. 1 under consideration, report the same back with the recommendation that it be concurred in.

MATTS,
Chairman.

Mr. President:

The Committee on Judiciary, to whom was referred S. B. No. 58, have had the same under consideration and report it back with amendments attached thereto, and as amended, recommended that it do pass.

Mr. President:

Your Committee on Stockgrowing and Grazing to whom was referred H. B. No. 54, entitled an act requiring railroad companies to pay for damages to stock, have had the same under consideration and recommend it do pass.

CARDWELL,
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report S. B. No. 17 correctly engrossed.

THOMPSON,
Chairman.

S. B. No. 59 was ordered printed.

S. B. No. 20 and H. B. Nos. 1 and 54 were placed upon the general file.

On motion of Hedges the report of the Committee on Judiciary on S. B. No. 48 was adopted and the bill was placed on the general file.

The amendments reported by the Committee on Judiciary to S. B. No. 58 were adopted and the bill was ordered printed.

The following report was received and on motion the same was adopted.

Mr. President:

Your Committee of Conference on Senate amendments to House Bill No. 9 report that they have agreed to amend Senate amendment to said bill by striking out the word "ten" and inserting "fifteen" in lieu thereof.

Title of H. B. No. 9, an act fixing the fees for the performance of certain official duties by the Secretary of State.

W. M. THORNTON,
Chairman.

The Committee on Public Morals introduced S. B. No. 62—A bill for an act concerning lotteries and gift enterprises, which was read first and second times and ordered printed.

On motion of Hedges the Senate resolved itself into a Committee of the Whole for the consideration of General File.

Thornton in the chair.

Senate resumed.

Mr. President in the chair.

The hour of 11 A. M. having arrived the time for which S. B. No. 34 was made a special order, on motion of Hoffman the bill was placed on General File.

The Senate again resolved itself into a Committee of the Whole for the consideration of General File.

Thornton in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 24th, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that House bills Nos. 112 and House Substitute bills Nos. 150 and 151, have passed the House and are herewith transmitted.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Hedges the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

The following reports were received:

Mr. President:

The Committee of the Whole having had under consideration Senate bill No. 34 request further time for its consideration.

W. M. THORNTON,
Chairman.

Mr. President;

The Committee of the Whole having had under consideration House bill No. 14, recommend that it do pass.

W. M. THORNTON,
Chairman

Mr. President:

The Committee of the Whole having had under consideration House bill No 23, recommend that it do not pass.

W. M. THORNTON,
Chairman.

A motion to adopt the report of the Committee of the Whole on H. B. No. 23, was lost by the following vote:

Ayes—Baylies, Goddard, Hedges, Hoffman, Power, Thompson.—6.

Noes— Becker, Buford, Gibson, Hennessy, Matts, Parberry, Redd, Thornton,—8 Absent, Cardwell.—1

Goddard moved to indefinitely postpone H. B. No. 23, which was lost by the following vote:

Ayes—Baylies, Goddard, Hedges, Power, Thompson—5.

Noes—Becker, Buford, Gibson, Hennessey, Hoffman, Matts Parberry, Redd, Thornton—9.

Absent—Cardwell—1.

Goddard moved a call of the House.

Motion lost.

H. B. No. 23 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Gibson, Hedges, Hennessy, Matts, Parberry, Redd, Thompson, Thornton—10.

Noes—Baylies, Goddard, Hoffman, Power—4.

Absent—Cardwell—1.

Title agreed to.

S. B. No. 17 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Cardwell—1.

Title agreed to.

On motion of Hoffman the Senate resolved itself into a Committee of the Whole for the further consideration of S. B. No. 34.

Thornton in the chair.

Senate resumed.

Mr. President in the chair.

The following reports were received:

Mr. President;

Your Committee on Finance and Claims having considered Senate Bills Nos. 60 and 61, beg leave to report them back with recommendation that they do pass.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Finance and Claims having considered House Bills Nos. 88, 120, 114 and 113, beg leave to report them back with the recommendation that they do pass.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Enrollment begs leave to report Senate Bill No. 1 presented to the Governor for his approval at 11:10 A. M. February 24th.

BECKER,
Chairman.

S. B. Nos. 60 and 61 were ordered printed.

H. B. Nos. 88, 120, 114 and 113 were placed upon the General File.

H. B. No. 112, an act appropriating certain monies to pay for the care and keeping of the State convicts.

Substitute for H. B. No. 150, a bill for an act fixing the per diem of the officers and attaches of the House of Representatives of the Second Legislative Assembly of the State of Montana, and Substitute for H. B. No. 151, a bill for an act fixing the per diem of the officers and attaches of the Senate of the Second Legislative Assembly of the State of Montana, were read first and second times and referred to the Committee on Finance and Claims.

On motion of Thornton the Senate took a recess for ten minutes.

Senate resumed.

The following report was received:

Mr. President:

Your Committee on Finance and Claims, having considered Substitute for House Bill Nos. 150 and 151 and H. B. No. 112, beg leave to report them back and recommend that they do pass.

THORNTON,
Chairman.

On motion of Thornton the rules were suspended, the unanimous consent of the Senate was obtained to place H. B. Nos. 112, 150, 151, 113, 114 and 120 were placed upon their final passage.

H. B. No. 112 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

Substitute for H. B. No. 150 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman. Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

Substitute for H. B. No. 151 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hennessy, Hedges, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 113 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Hoffman—1.

Title agreed to.

H. B. No. 114 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Hoffman—1

Title agreed to.

H. B. No. 120 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessy Hoffman Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Gibson—1.

Title agreed to.

The following report was received:

Mr. President:

Your Committee of the Whole having had under consideration Senate Bill No. 34, have instructed me to report the same back to the Senate with a recommendation that its further consideration be postponed until the committee of the two Houses, have reported.

THORNTON,
Chairman.

On motion the report of the Committee of the Whole was adopted.

The following report was received:

Mr. President:

Your Committee on Printing beg leave to report Senate bills 45 and 56 correctly printed.

BECKER,
Chairman.

S. B. Nos. 45 and 56 were placed upon the general file.

The Committee on Finance and Claims introduced S. B. No. 63, a bill for an act relating to interest on county funds and prescribing the duties of county commissioners and county treasurers with reference thereto, which was read first and second times and referred to the Committee on Judiciary.

The following communication was received:

THE STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, February 24th, 1891.

To the Senate:

I have approved the following memorials, resolutions and bills:

Senate Joint Memorial No. 6, concerning mineral lands.

Senate Joint Memorial No 5, concerning mineral lands.

Senate Joint Resolution No 2, concerning land grants to railroads.

Senate Con-current Resolution No. 3, concerning the death of Windom, Poter and Sherman.

Senate bill No. 1, an act to provide for the holding of regular sessions of the supreme court.

JOS. K. TOOLE,
Governor.

The Senate resolved itself into a Committee of the Whole for the consideration of the general file.

Hennessy in the chair.

Senate resumed.

Mr. President in the chair.

Mr. President announced the signing of H. B. Nos. 150, 151 and 112.

The Senate resolved itself into a Committee of the Whole for the consideration of General File.

Hennessy in the chair.

Senate resumed.

Mr. President in the chair.

Substitute for H. B. No. 14 waa read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessey, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Gibson—1.

Title agreed to.

The following report was received:

M*r. President:*

Your Committee on Printing beg leave to report Senate Bills Nos. 57 and 47 correctly printed.

BECKER,
Chairman.

Senate Bills Nos. 57 and 47 were placed on the General File.

On motion of Thornton the Senate adjourned.

JNO. J. FALLON,
Secretary.

FIFTY-SECOND DAY.

SENATE CHAMBER,
Helena, Montana, February 25th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the fifty-first day read and on motion of Thornton, that portion of the Journal with reference to the motion "that the vote by which H. B. No. 23 was passed, be reconsidered and that the motion to reconsider be laid upon the table. Motion carried," was expunged therefrom.

The Journal was then approved.

The following reports were received:

Mr. President:

The Committee of the Whole, to whom was referred Senate Concurrent Resolution No. 4, have instructed me to report the same back and to ask for further time for its consideration.

D. J. HENNESSY,
Chairman.

Mr. President:

The Committee of the Whole to whom was referred Substitute for Senate Bill No. 19, Senate Bills Nos. 24 and 52, having had the same under consideration, and have instructed me to report the same back with amendments, and to recommend that as amended said bills do pass.

D. J. HENNESSY,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bills Nos. 72 and 76, having had the same under consideration, and have instructed me to report said bills back with a recommendation that they be concurred in.

D. J. HENNESSY,
Chairman.

Mr. President:

The Committee of the Whole to whom was referred House Bills Nos. 12 and 62, have had said bills under consideration and have instructed me to report the same back with amendments and to recommend that as amended they be concurred in.

D. J. HENNESSY,
Chairman,

Mr. President:

The Committee of the Whole to whom was referred Senate Bill No. 46, have instructed me to report said bill back with a recommendation that the consideration of it be postponed until the Joint Committee of the two Houses shall have reported.

D. J. HENNESSY,
Chairman.

The amendments to S. B. Nos. 19, 24 and 52 were adopted and the bills were ordered engrossed.

The amendments to H. B. Nos. 12 and 62 were adopted and the amendments were ordered engrossed.

Bills were introduced as follows:

By Redd:

S. B. No. 64—A bill for an act concerning practice of medicine in Montana.

By Goddard:

S. B. No. 65—A bill for an act to authorize and require District Judges to perform judicial duties for another District Judge in certain cases.

S. B. No. 64 was read first and second times and referred to the Committee on Public Morals.

S. B. No. 65 was read first and second times and referred to the Committee on Judiciary.

On motion of Hedges the Senate resolved itself into a Committee of the Whole for the consideration of General File.

Hedges in the chair.

Senate resumed.

Mr. President in the chair.

Mr. President announced the signing of H. B. Nos. 113, 114 and 120.

Senate again resolved itself into a Committee of the Whole for the consideration of General Orders.

Hedges in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr. President:

Your Committee on Public Morals, to which was referred S. B. No. 64, beg leave to report that they have had the same under consideration and report the same back with the recommendation that it do pass.

GODDARD,
Chairman.

S. B. No. 64 was ordered printed.

The following communication was introduced:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 25th, 1891.

Mr President:

I am directed by the House to inform your honorable body, that the following bills have been introduced in the House of Representatives:

H. B. 107, by Loud:

A bill for an act to amend section 1,560 Fifth Division, Compiled Statutes of Montana.

H. B. No. 108, by Hughes:

A bill for an act to prescribe the duties, number and compensation of each House of the Legislative Assembly.

H. B. No. 109, by Greenough:

A bill for an act to amend an act entitled to provide for the levy of taxes and assessment of property.

H. B. 110, by Woodson:

A bill for an act to provide for the election of presidential electors.

H. B. No. 111, by Woodson:

A bill for an act to provide for the election of a Representative in Congress.

H. B. No. 112, by Toole:

An act appropriating money to pay for the care and keeping of State Convicts.

H. B. 113, by Toole:

An act appropriating money for the relief of Jessie P. Stafford.

H. B. No. 114, by Toole:

An act appropriating money for the relief of A. P. Brown.

H. B. No. 115, by Blakeley:

An act to provide for an agricultural college.

H. B. No. 116, by Judiciary Committee.

An act concerning the fees for official services by county, district and township officers.

H. B. No. 117, by Privileges and Election Committee.
An act providing for the election of state and county officers.

H. B. No. 118, by Committee on Ways and Means.
An act concerning the assessment and collection of taxes.

Very Respectfully,
CHAS. Z. POND.

On motion of Goddard the Senate took a recess until 2 P. M. this afternoon.

2 P. M.

Senate resumed.

Mr President in the chair.

Roll called—Quorum present.

Senator Power was excused for the day.

The following report was received:

Mr. President:

Your Committee on Finance and Claims, having had under consideration House Bill No. 89, beg leave to report the same back with the accompanying amendments and as amended recommend that it do pass.

W. M. THORNTON,
Chairman.

The amendments to H. B. No. 89 were adopted and on motion of Thornton the rules were suspended, the amendments were considered engrossed and the bill was placed upon its final passage.

The following report was received.

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills 24 and 52 and the amendments to House Bills 12 and 62 correctly engrossed.

THOMPSON.
Chairman.

H. B. No. 89 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Becker, Power—2.

Title agreed to.

H. B. No. 76 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Becker, Power—2.

Title agreed to.

H. B. No. 72 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Goddard, Hedges, Hennessey, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—12.

Noes—0.

Absent—Becker, Gibson, Power—3.

Title agreed to.

Senate Bill No. 53 was read a third time and lost by the following vote:

Ayes—Gibson, Goddard, Hedges—3.

Noes—Baylies, Buford, Cardwell, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—10.

Absent—Becker, Power—2.

S. B. No. 24 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Power—1.

Title agreed to.

H. B. No. 12 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd; Thompson, Thornton—14.

Noes—0.

Absent—Power—1.

Title agreed to.

. B. No. 62 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd Thompson, Thornton—14.

Noes—0.

Absent—Power—1.

Title agreed to.

The following reports were received:

Mr. President:

Your Committee on Printing beg leave to report Senate Bill No 36 correctly printed.

BECKER,
Chairman.

Mr. President:

The Committee of the Whole to whom was referred Senate Bill No. 48, have instructed me to report the same back with a recommendation that it be printed.

HEDGES,
Chairman.

Mr. President:

The Committee of the Whole to whom was referred House Bill No. 1, have had the same under consideration and have instructed me to report said bill back with a recommendation that it be concurred in.

HEDGES,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 20, have had the same under consideration and have instructed me to report said bill back with an amendment and to recommend that as amended it do pass.

HEDGES,
Chairman.

S. B. No. 36 was placed on the General File.

S. B. No. 48 was ordered printed.

On motion of Parberry S. B. No. 20 was recommitted to the Committee of the Whole.

The following communication was received,

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 25th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 14 has passed the House and is herewith transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. No. 14 was ordered enrolled.

On motion of Hennessy the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Goddard in the chair.

Senate resumed.

Mr. President in the chair.

H. B. No. 1 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Power--1.

Title agreed to.

On motion of Hedges the Senate adjourned.

JNO. J. FALLON,
Secretary.

FIFTY-THIRD DAY.

SENATE CHAMBER,
Helena, Montana, Feby. 26th, 1891.

Senate met at 10 o'clock, A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the fifty-second day read and approved.

Senator Buford presented a petition from citizens of Madison County praying for the location of a public building in said county, and particularly at Sheridan.

Referred to Committee on Public Buildings, Hospitals, Prisons, and Asylums.

The following reports were received:

Mr. President:

The Committee on Judiciary have had under consideration S. B. No. 63, and report the same back with the recommendation that it do not pass.

MATTS,
Chairman.

Mr. President:

The Committee on Judiciary, to whom was referred Substitute for H. B. No. 2, and S. B. No. 65, have had the same under consideration, and report them back with the recommendation that they do pass.

E. D. Matts,
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report Substitute for S. B. No. 19 correctly engrossed.

Thompson,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Senate Bills Nos. 58, 60 and 61 correctly printed.

Becker,
Chairman.

S. B. No. 63 was, on motion, laid upon the table.

Sub. for H. B. No. 2 and S. B. Nos. 58, 60 and 61 were placed upon the General File.

S. B. No. 65 was ordered printed.

The following report was received:

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 47, have had the same under consideration and have instructed me to report said bill back with a recommendation that it do pass.

O. F. Goddard,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 57, have had the same under consideration and have instructed me to report the said bill back with amendments and as amended recommend it do pass.

O. F. Goddard,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bills Fos. 45 and 56, have instructed me to report the same back with a recommendation that their consideration be postponed.

O. F. GODDARD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred H. B. No. 88, have had the same under consideration and have instructed me to report it back with a recommendation that it be concurred in.

O. F. GODDARD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 54, have instructed me to report the same back and to ask that further time to be granted for its consideration.

O. F. GODDARD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Concurrent Resolution No. 4, have instructed me to report the ssme back with a recommendation that it be indefinitely postponed.

O. F. GODDARD,
Chairman.

S. B. No. 47 was ordered engrossed.

The amendments to S. B. No, 57 were adopted and the Bill was ordered engrossed.

On motion of Matts the consideration of the report of the Committee of the Whole on S. B. Nos. 45 and 46 was postponed until to-morrow.

S. C. R. No. 4 was on motion indefinitely postponed.

The following report was received:

Mr. President:

Your Committee on Enrollment, beg leave to report S. B. No. 14 correctly enrolled and herewith submit the same for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. No. 14.

The following report was received:

Mr. President:

Your Committee on Judiciary, to whom was referred S. B. No. 35, have had the same under consideration, and report a substitute for said bill, and recommend the adoption of the substitute.

MATTS,
Chairman.

Substitute for S. B. No. 35 was adopted and the same was ordered printed.

Buford gave notice that he would introduce a bill for an act to amend Sec. 1810, Fifth Division General Laws, of the Revised Statutes, concerning the road law.

On motion of Thompson S. B. No. 63 was taken from the table and referred to the Committee on Finance and Claims.

The hour having arrived for which S. B. No. 23 was made a special order, on motion of Thornton the same was made a special order for 11 A. M. on Saturday next.

On motion of Hennessy the Senate resolved itself into a Committee of the Whole for the consideration of General Orders.

Buford in the chair.

Senate resumed.

Mr. President in the chair.

H. B. No. 88 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton.—13.

Noes—None.

Absent—Becker, Power—2.

Title agreed to.

Substitute for S. B. No. 19 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Cardwell, Power—2.

Title agreed to.

Mr. President announced the signing of H. B. Nos. 1, 9, 12, 72 and 76.

The following reports were received:

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 20, have had the same under consideration and have instructed me to report said bill back with amendments, and to recommend that as amended it do pass.

BUFORD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bills Nos. 34, 36 and 46, and House Bill No. 54, have instructed me to report the same back with a recommendation that they be laid over for the present.

BUFORD,
Chairman.

The amendments to S. B. No. 20 were adopted and the bill was ordered engrossed.

On motion of Senator Hoffman the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills Nos. 47 and 57 correctly engrossed.

THOMPSON,
Chairman

The following communications were received:

THE STATE OF MONTANA,
EXECUTIVE OFFICE.
Helena, Montana, Feb. 26th, 1891.

To the Senate:

I have the honor to transmit herewith report of the Superintendent of Public Instruction for the year 1890.

Filed in this office Feb. 24, 1891.

JOS. K. TOOLE,
Governor.

THE STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, February 26th, 1891.

To the Senate:

I have the honor to transmit herewith the Fifth Annual report of the State Board of Stock Commissioners, together with a list of marks and brands.

JOS. K. TOOLE,
Governor.

The report of the Superintendent of Public Instruction was referred to the Committee on Education.

The report of the Board of Stock Commissioners was referred to the Committee on Grazing and Stock Growing.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 26, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the accompanying is the report of Committee of Sixteen and is hereby transmitted.

Very respectfully,
CHAS. Z. POND,
Chief Clerk

The report was on motion of Buford referred to the Senate Committee on Conference.

The following reports were received.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 14 presented to the Governor for his approval at 11:05 A. M., February 26th.

BECKER,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Senate Bills 59 and 62 correctly printed.

BECKER,
Chairman.

Senate Bills Nos. 59 and 62 were placed upon the General File.

Redd introduced S. J. M. No. 7, Senate Joint Memorial memorializing Congress to vote against "the Conger Lard Bill," which was read first and second times, and on motion of Redd the rules were suspended, the memorial was considered engrossed and the bill passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Power—1

Title agreed to.

Redd introduced S. B. No. 66—A bill for an act permitting District Judges to omit juries at certain terms of court," which was read first and second times and referred to the Committee on Judiciary.

A petition from citizens of Red Lodge against annexation to Yellowstone County. was read and referred to the Committee on Towns, Counties and Municipal Corporations.

S. B. No. 47 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Power—1.

Title agreed to.

S. B. No. 57 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Power—1.

Title agreed to.

On motion of Hoffman the Senate resolved itself into a Committee of the Whole for the consideration of H. B. No. 54.

Baylies in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr. President:

Your Committee of the Whole, to whom was referred H. B. No. 54, have instructed me to report the same back with a recommendation that it be recommitted to the Committee on Stock Growing and Grazing for amendment.

BAYLIES,
Chairman.

H. B. No. 54 was referred to the Committee on Stock Growing and Grazing.

On motion of Hoffman, the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Cardwell in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 26th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the Governor has notified the House of Representatives that he has signed the following House Bills:

H. B. No. 10, approved February 12th.

H. B. No. 58, approved February 18th.

H. B. No. 74, approved February 18th.

H. B. No. 79, approved February 18th.

H. B. No. 8, approved February 23rd.

H. B. No. 16, approved February 23rd.

H. B. No. 37, approved February 23rd.

H. B. No. 39, approved February 23rd.

H. B. No. 77, approved February 23rd.

H. B. No. 78, approved February 23rd.

H. B. No. 80, approved February 23rd.

H. B. No. 103, approved February 21st.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Senator Hoffman the Senate adjourned.

JNO. J. FALLON,
Secretary.

FIFTY-FOURTH DAY.

SENATE CHAMBER,
Helena, Montana, February 27th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty-third day read and approved.

The following reports were received:

Mr. President:

Your Committee on Education, to which was referred the report of the Superintendent of Public Instruction, transmitted by the Governor, has carefully examined the same and finds it contains not only much matter of general interest to the people of the State, but valuable suggestions for legislative action in amendment of our Montana school law, but unfortunately they come too late for action or even consideration at the present session.

Your Committee would recommend that the report be printed, at least 800 copies, for circulation among school officers, members of the Legislature and for exchanges.

The value of the statistical tables is much impaired by the failure of a few in doing their duty, and some more effective means must be devised to remove such derelict officials.

In future, your Committee would recommend that the reports of the Superintendent of Public Instruction be printed in advance of the meetings of the Legislative Assembly so that the suggestions contained may be fruitful of legislation in perfecting our school system on which our prosperity at home and credit abroad so largely depends.

HEDGES.
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report S. B No. 20 correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

The Committee on Judiciary, having had under consideration S, B. No. 66, report the same back with an amendment, and as amended, recommend its passage.

MATTS,
Chairman.

Mr. President:

Your Committee on Grazing and Stockgrowing, to whom was referred H. B. No. 54 for purpose of amendment, have had the same under consideration, and report the same back with amendments, and as so amended, recommend that it do pass.

CARDWELL,
Chairman.

The amendments to S. B. No. 66 were adopted and the same was ordered printed.

The amendments reported to H. B. No. 54 were adopted and the bill was placed on General File.

The following reports were received:

Mr. President;

The Committee of the Whole, to whom was referred Senate Bills Nos. 58 60 and 62, having had the same under consideration, and have instructed me to report said Bill back to the Senate with a recommendation that they do pass.

CARDWELL,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred substitute for House Bill No. 2, having had the same under consideration have instructed me to report said bill back with a recommendation that it be concurred in.

CARDWELL,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bills Nos. 59 and 61, have had said bills under consideration and have instructed me to report the same back with amendment, and to recommend that as so amended they do pass.

CARDWELL,
Chairman.

S. B. Nos. 58, 60 and 62 were ordered engrossed.

The amendments offered to S. B. Nos. 59 and 61 were adopted and they were ordered engrossed.

The following report was received:

Mr. President:

We, your Committee, appointed to confer with a like committee from the House, to map out the course of legislation for the remainder of the session, and to designate the bills which should be preferred for immediate action, beg leave to report that we have considered the matters so referred and recommend that the report of the House committee be concurred in.

GIBSON,

GODDARD.

On motion of Goddard the report was adopted.

The following report was received:

Mr. President:

Your Committee on Printing beg leave to report Senate Bills 48 and 64 correctly printed.

BECKER,
Chairman.

S. B. Nos. 48 and 64 were placed upon the General File.

Buford introduced S. B. No. 67—A bill for an act to amend section 1,810, Fifth Division, General Laws of the Revised Statutes of Montana, which was read first and second times and referred to the Committee on Judiciary.

On motion of Cardwell, the Senate resolved itself into a Committee of the Whole for the consideration of H. B. No. 54.

Baylies in the chair.

Senate resumed.

Mr. President in the chair.

S. B. No. 20 was read a third time, and on motion of Parberry unanimous consent was obtained and the bill was recommitted to the Committee on Engrossment for the purpose of correction.

Substitute for H. B. No. 2 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—13.

Noes—Cardwell—1.

Absent—Becker—1.

Title agreed to.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 26th, 1891.

Mr President:

I am directed by the House to inform your honorable body, that the following bills have passed the House of Representatives, and are herewith transmitted: House Bills 91, 44, 82, 95, 110, 48, 111, and 43.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Matts S. B. No. 45 was made a special order for 11 A. M. to-morrow.

On motion of Goddard S. B. No. 56 was laid upon the table.

The following report was received.

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 54, have had said bill under consideration and have instructed me to report the same back with amendments, and to recommend that as so amended it be concurred in.

BAYLIES,
Chairman.

H. B. No. 54 amendments were adopted and they were ordered engrossed.

On motion of Hedges, the rules were suspended and the Senate resolved itself into a Committee of the Whole for the consideration of General File.

Matts in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Parberry the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

Mr. President announced the signing of H B. Nos. 89, 62 and 14.

Mr. President refused to sign H. B. No. 23 upon the ground that the title having been amended since its passage by the Senate, and the fact that the Senate having never been notified to such a change by the House.

H. B. No 43—A bill for an act to amend an act entitled an act for the better protection of game and fish, was read first and second times and referred to the Committee on Stock Growing and Grazing.

H. B. No. 44—A bill for an act entitled an act to provide for the taking of depositions of persons imprisoned for the purpose of securing testimony in criminal proceedings.

H. B. No. 48—A bill for an act to enable the Courts of the State of Montana to procure proper seals, were read first and second times and referred to the Committee on Judiciary.

H. B. No. 82—For an act entitled an act to protect the grasses and forests of the State from destruction by fire, was read first and second times and referred to the Committee on Agriculture and Manufactures.

H. B. No. 91—An act to amend Section 731, of Chapter XXXVIII of the Fifth Division of the Compiled Statutes of Montana, defining the boundaries of Deer Lodge County, and to render the same definite, was read first and second times and referred to the Committee on Towns, Counties and Municipal Corporations.

H. B. No. 95—For an act relating to the duties of the clerks of boards of County Commissioners in issuing notices of elections.

H. B. No. 110—A bill for an act to provide for the election of Presidential electors, and H. B. No. 111—A bill for an act to provide for the election of a representative in Congress, were read first and second times and referred to the Committee on Privileges and Elections.

On motion of Thompson, the Senate took a recess for twenty minutes.

Senate resumed.

Mr. President in the chair.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 26th, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that the following bills have been introduced in the House:

H. B. No. 119—A bill for an act to provide for the selection and conveyance of indemnity school lands and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions, and to pay the necessary expenses thereof.

Introduced by Beach.

H. B. No. 120—A bill for an act appropriating money for the relief of A. C. Witter and others.

Introduced by Committee on Appropriations and Claims.

H. B. 121—A bill for an act to provide for the support of the State government for the fiscal years of 1891 and 1892.

Introduced by Beach, Chairman Committee on Ways and Means.

H. B. No. 122—A bill for an act to provide for the incorporation of mortgage and loan companies.

Introduced by Woodson.

H. B. No. 123—A bill for an act to amend sections 20 and 26 of an act to amend military matters.

Introduced by Phillips.

H. B. No. 124—A bill for an act to create the office of County Auditor.

Introduced by Higgins.

H. B. No. 125, a bill for an act to prohibit certain gambling games and the use of certain gambling devices and fixing penalties for violation thereof.

Introduced by Goodman.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES.
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 26th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bills have been introduced in the House:

H. B. No. 126—A bill for an act appropriating money to pay the bounties on certain stock destroying animals.

Introduced by Loud.

H. B. No. 127—A bill for an act to establish a State Insane Asylum and to provide for the location of the same.

Introduced by Twohy.

H. B. No. 128—A bill for an act in relation to the exercises of the right of eminent domain by railroad corporations.

Introduced by Boardman.

H. B. No. 129—An act to amend sections 608 and 614 of the first division, Code of Civil Procedure, being title XV. of the Compiled Statutes of 1887.

Introduced by Boardman.

H. B. No. 130—A bill for an act to appropriate money for the ordinary expenses of the State Government for the fiscal years ending Dec. 31st, A. D., 1891, and Dec. 31st, A. D., 1892.

Introduced by Toole.

H. B. No. 131—A bill for an act to amend Section 719 of the fifth division of the Compiled Statutes of Montana.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 26, 1891.

Mr. President:

I am directed by the House to inform your honorable body that S. B. No. 44, with amendments, has passed the House and is herewith transmitted.

CHAS. Z. POND,
Chief Clerk.

On motion of Cardwell S. B. No. 44, with House amendments thereto, was referred to the Committee on Judiciary.

The following reports were received:

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills Nos. 58. 59, 61 and 62, and amendments to H. B. No. 54 correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

The Committee on Judiciary, having had H. B. No. 48, and S. B. No. 67, under consideration, recommend that they pass.

MATTS,
Chairman.

S. B. No. 67 was ordered printed.

H. B. No. 48 was placed upon the General Orders.

The following reports were received:

Mr. President:

The Committee of the Whole, having had S. B. No. 64 under consideration, report the same back with the recommendation that it be referred to the Committee on Judiciary.

MATTS,
Chairman.

Mr. President:

The Committee of the Whole have had under consideration S. B. No. 48 and instruct me to report the same back with the recommendation that the further consideration thereof be postponed until to-morrow.

MATTS,
Chairman.

S. B. No. 64 was referred to the Committee on Judiciary.

On motion of Hedges the Senate adjourned.

JNO. J. FALLON,
Secretary.

FIFTY-FIFTH DAY.

SENATE CHAMBER,
Helena, Montana, Feby. 28th, 1891.

Senate met at 10 o'clock, A. M.

Mr. President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the fifty-fourth day read and approved.

The following reports were received.

Mr. President:

Your Committee on Grazing and Stock Growing, to whom was referred H. B. No. 43, entitled a bill for an act to amend an act entitled an act for the better protection of game and fish, have had the same under consideration and recommend that it do pass.

CARDWELL,
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills Nos. 20 and 60 correctly engrossed.

THOMPSON,
Chairman

H. B. No. 43 was placed upon the General File.

The following communication was received:

State of Montana,
House of Representatives,
Second Legislative Assembly.
Helena, Montana, February 27th, 1891.

Mr President:

I am directed by the House to inform your honorable body that Senate Bill No 10, as amended has passed the House and is hereby transmitted.

Yours Respectfully,
Chas. Z. Pond,
Chief Clerk.

On motion of Hennessy the Senate refused to concur in House amendments to S. B. No. 10 and the President appointed Hennessy, Gibson and Goddard as a Committee of Conference on the part of the Senate.

The following communication was received,

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, February 27th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that House Bills Nos. 20, 3, 15, 121 and Senate Joint Memorial No. 7 have passed the House and is herewith transmitted.

Yours respectfully,
Chas. Z. Pond,
Chief Clerk

S. J. M. No. 7 was ordered enrolled.

S. B. No. 58 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power Thompson, Thornton—13.

Noes—0.

Absent—Hoffman, Redd—2.

Title agreed to.

S. B. No. 59 was read a third time and passed by the following vote.

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Thompson, Thornton—13.

Noes—0.

Absent—Hoffman, Redd—2.

Title agreed to.

S. B. No. 61 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power Thompson, Thornton—13.

Noes—0.

Absent—Hoffman, Redd—2.

Title agreed to.

S. B. No. 62 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Gibson, Goddard, Hedges, Thompson—7.

Noes—Buford, Hennessy, Matts, Parberry, Power, Thornton—6.

Absent—Hoffman, Redd—2.

Title agreed to.

S. B. No. 20 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Thompson, Thornton—13.

Noes—0.

Absent—Hoffman, Redd—2.

Title agreed to.

S. B. No. 60 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Thompson, Thornton—13.

Noes—0.

Absent—Hoffman, Redd—2

Title agreed to.

The following communication was received:

THE STATE OF MONTANA,
EXECUTIVE OFFICE.
Helena, Montana, Feb. 28th, 1891.

To the Senate:

I hereby nominate and by and with the consent of the Senate, appoint the following officers:

Stock Commissioners:

Granville Stuart, Stock Commissioner of Silver Bow County, vice P. A. Largey, resigned.

Alfred Meyers, Stock Commissioner of Park County, vice Ben. F. Meyers, resigned.

Members State Medical Board of Examiners:

J. B. Atchison, of Lewis and Clarke County, to fill vacancy created by expiration of his term.

J. B. Newman, of Cascade County, vice Ernest Crutcher, resigned.

T. J. Murray, of Silver Bow County, vice J. H. Rinehard, resigned.

State Board of Arbitration:

James Sullivan, Lewis and Clarke County.

Chas. S. Mussigbrod, of Deer Lodge County.

Thos. Kilgallon, of Silver Bow County.

JOS. K. TOOLE,
Governor.

On motion of Hedges the consideration of the message was postponed until after the conclusion of the third reading of bills.

H. B. No. 54 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Hedges, Hennessy, Matts, Parberry, Power, Thompson, Thornton.—11.

Noes—Goddard—1.

Absent—Becker, Hoffman, Redd—3.

Title agreed to.

On motion of Thornton S. B. No. 23 was taken from the special orders and made a special order for Tuesday next at 11 A. M.

On motion of Thornton S. B. No. 45 was taken from special orders and made a special order for 2 P. M. Monday next.

On motion of Thornton the Senate resolved itself into an executive session, with closed doors, for the consideration of the Governor's Message.

Senate resumed, with open doors, and the Secretary was directed to enter upon the Journal that the Senate had, in executive session, confirmed the following appointments made by the Governor:

Granville Stuart, Stock Commissioner of Silver Bow County.

Alfred Meyers, Stock Commissioner of Park County.

Members State Board of Medical Examiners:

J. B. Atchison, Lewis and Clarke County.

J. B. Newman, Cascade County.

T. J. Murray, Silver Bow County.

State Board of Arbitration:

James Sullivan, Lewis and Clarke County.

Chas. S. Mussigbrod, Deer Lodge County.

Thos. Kilgallon, Silver Bow County.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, February 28th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following preamble and resolution passed the House and a copy is herewith transmitted:

WHEREAS, It appears that the State Board of Examiners have never acted on the items embraced in House Bill No. 89, and,

WHEREAS, It appears that a large portion of each of said items have been acted on by said Board and allowed to various banks upon assignments of such claims by them held; now, therefore, be it

Resolved, That the Governor be requested to return said House Bill No. 89 to this House, wherein it originated, for further consideration; and that a copy of this resolution, with a report of the action of this House thereon, be forthwith transmitted to the Senate.

Resolution was adopted by the House and Clerk ordered to notify Senate of said action.

Very Respectfully,
CHAS. Z. POND.
Chief Clerk.

On motion of Hennessy the Senate resolved itself into a Committee of the Whole for the consideration of H. B. Nos. 43 and 48.

Becker in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF IDAHO,
EXECUTIVE DEPARTMENT,
Boise City, Idaho, Feb. 25th, 1891.

JNO. J. FALLON,
Secretary of State,
Helena, Mont.

Sir: I have the honor to acknowledge the receipt of Senate Joint Resolution No. 2, relating to the proposed occupation of mineral lands by railroad companies, which I have transmitted to the Legislature of Idaho, now in session, and to which I have earnestly invited their attention. The subject is one of growing importance to the northern section of our State and I expect prompt action.

Very respectfully,
NORMAN B. WILLEY.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 28, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that the following bill, H. B. No. 99, has passed the House and is herewith transmitted.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Buford, the Senate took a recess until 2 P. M

2. P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

The following reports were received:

Mr. President:

Your Committee on Elections, to whom House Bills Nos. 95, 110 and 111 were referred, beg leave to report that they have considered the same, and recommend that they do pass.

PARBERRY,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bills No. 43 and 48, have instructed me to report the same back with a recommendation that they be concurred in.

BECKER,
Chairman.

H. B. Nos. 95, 110 and 111 were placed upon the General File.

H. B. No. 3—A bill for an act entitled an act fixing the number of members of the House of Representatives of the State of Montana, and the ratio of the same to population and apportioning the members among the counties of the State, was read first and second times and referred to the Committee on Apportionment and Representation.

. B. No. 15—A bill for an act entitled an act to allow the raising of the waters of the Jefferson River for irrigating and other purposes, was read first and second times and referred to the Committee on Irrigation and Water Rights.

H. B. No. 20—A bill for an act entitled an act prohibiting trusts, was read first and second times and referred to the Committee on Labor and Capital.

H. B. No. 99—An act to allow Thos. McTague and Frank Conley interest on their claim against the State of Montana for the keeping and maintenance of State convicts, also payment for improvements, additions and repairs made by said Conley and McTague in and to the penitentiary of Deer Lodge, Montana, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 121—A bill for an act to provide for the support of the State Government for the fiscal years of 1891 and 1892, was read first and second times and referred to the Committee on Finance and Claims.

The following communication was received:

THE STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, February 28th, 1891.

To the Senate:

I hereby nominate, and with the consent of the Senate, appoint the following additional judges of the District Courts:

To be an additional Judge of the District Court of the First Judicial District, Horace R. Buck.

To be an additional Judge of the District Court of the Second Judicial District, William Y. Pemberton.

I am not entirely satisfied, that under the Constitution, the consent of the Senate is necessary to the foregoing appointments, but in view of the importance of the same and the demands upon my time forbidding a satisfactory investigation of the subject, I have deemed it prudent to submit the appointments for your confirmation.

JOS. K. TOOLE,
Governor.

On motion of Thornton, the Senate resolved itself into executive session, with closed doors, for the consideration of the Governor's message.

Senate resumed, with open doors, and the Secretary was directed to note upon the Journal that the Senate had, in executive session, confirmed the following appointments made by the Governor:

To be an additional Judge of the District Court of the First Judicial District, Horace R. Buck.

To be an additional Judge of the District Court of the Second Judicial District, Wm. Y. Pemberton.

The following report was received:

Mr. President:

Your committee on behalf of the Senate, to whom was referred House amendments to S. B. No. 10, beg leave to report that we have met a similar committee from the House of Representatives and have unanimously agreed to recommend that the amendment to strike out the word mercantile in line four be not concurred in.

That all other amendments be concurred in.

D. J. HENNESSY,
PARIS GIBSON,
O. F. GODDARD,
Committee on part of the Senate.

On motion of Hennessy the report was adopted.

On motion of Goddard the Senate took a recess for ten minutes.

Senate resumed.

On motion of Senator Thornton, the Secretary was requested to respectfully ask the House to return H. B. 89 for the purpose of reconsideration.

On motion of Thornton, the rules were suspended and the vote by which H. B. No. 89 passed the Senate, was reconsidered.

The President called President pro tem Thornton to the chair.

On motion of Matts, unanimous consent was obtained to have H. B. 89 recommitted to the Committee on Finance and Claims.

On motion of Matts the Senate took a recess for fifteen minutes.

Senate resumed.

Mr. President pro tem in the chair.

The following report was received:

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. 89, report the same back with amendments herewith transmitted and as amended recommend it do pass.

D. J. HENNESSY,
Chairman.

On motion of Hennessy the amendments reported to H. B. No 89 were adopted.

On motion of Hedges the rules were suspended, the amendments to H. B. No. 89 were considered engrossed, the bill was placed upon its final passage and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power Redd, Thompson, Thornton—14.

Noes—0.

Absent—Hoffman—1.

Title agreed to.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTTIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 28th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the Committee of House of Representatives, to whom was referred the House amendments to S. B. No. 10, report that they have met a similar committee from the Senate and have unanimously agreed to recommend that the amendment to strike out the word "Mercantile" in line 4 be not concurred in. That all other amendments be concurred in.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Feb. 28th, 1891.

Mr. President:

I am directed by the House to call the attention of the Senate to the fact that S. B. No. 25, S. S. B. No. 13 and S. B. No. 9 show a variance between the titles on the back and on the body. In all cases the title in the body of the bill has been considered.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Feb. 28th, 1891.

Mr. President:

I am directed by the House to transmit H. B. No. 89, in compliance with resolution transmitted this morning. Also No. claim 127, transmitted and approved by State Board Examiners.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. No. 10 was ordered enrolled.

The following reports were received:

Mr. President:

The Committee on Counties, Towns and Municipal Corporations beg leave to make a majority report that they have further considered the subject matter contained in Senate Bills Nos. 33 and 51 and recommend the adoption of their report previously submitted.

[Signed,] GIBSON,
HEDGES,
THORNTON.

Mr. President:

We, the undersigned members of your Committee on Counties, Towns and Municipal Corporations, to which was referred Senate Bills Nos. 33 and 51, beg leave to make this our minority report. We recommend that Senate Bill No. 33 be amended according to the amendments hereto attached, and that as amended the bill do pass.

That the further consideration of Senate Bill No. 51 be indefinitely postponed, and that it be not printed. We are constrained to make this report from what seems to us a plain duty in justice to the citizens of the two counties concerned in the proposed ceded proportion of the Indian reservation named in said bills.

Respectfully submitted,
O. F. GODDARD,
ED. CARDWELL.

Parberry moved the adoption of the majority report.

Motion lost.

On motion of Goddard, the minority report was adopted, and S. B. No. 33 was placed upon the General File.

On motion of Hedges, the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Gibson in the chair.

Senate resumed.

Mr. President pro tem in the chair.

The following reports were received:

Mr. President:

The Committee of the Whole, who have had under consideration House Bills No. 95, 110 and 111, report the bills back, recommending as follows:

That H. B. No. 95, as amended, (amendments accompanying the bill), be concurred in.

That H. B. No. 110 be concurred in.

That H. B. No. 111 be concurred in.

PARIS GIBSON,
Chairman.

The amendments to H. B. No. 95 were adopted, and they were ordered engrossed.

On motion of Goddard, the Senate adjourned until Monday next, at 4 P. M.

JNO. J. FALLON,
Secretary.

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
Helena, Montana, March 2d, 1891.

The Senate met pursuant to adjournment at 4 P. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the fifty-fifth day read, corrected, and approved.

Mr. President announced the signing of H. B. Nos. 88, 23, 54, 89 and substitute for H. B. No. 2.

A petition was read from citizens of Park County, relating to the passage of Sunday law, which was referred to the Committee on Public Morals.

A petition from citizens of Red Lodge, opposing the annexation of that portion of Park County to Yellowstone County.

On motion of Matts, the Senate resolved itself into a Committee of the Whole for the consideration of S. B. No. 45, which was made a special order for this hour.

Buford in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVSE,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, Feb. 28th, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that Senate Bill No. 41 has been laid on the table in the House.

Very respectfully,

CHAS. Z. POND,
Chief Clerk.

The following report was received:

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 45, having had the said bill under consideration, have instructed me to report the same back with a recommendation that it be returned to the General File to follow the consideration of Senate Bill No. 34, the Agricultural College bill.

BUFORD,
Chairman.

On motion of Parberry, the Senate took a recess until 7:30 P. M.

7:30 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—Quorum present.

The following reports were received.

Mr. President:

The Committee on Counties, Towns and Municipal Corporations, to whom was referred H. B. No. 82, beg leave to report the same back without recommendation.

GIBSON,
Chairman.

Mr. President:

Your Committee on Printing beg leave to report Senate Bills Nos. 65, 66, 67, and substitute Senate Bill No. 35, correctly printed.

BECKER,
Chairman.

H. B. No. 82, and Senate Bills Nos. 65, 66 and 67 were placed upon the General File.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 28, 1891.

Mr President:

I am directed by the House to inform your honorable body that the following Notices of Introduction of bills, have been given in the House.

By Phillips:

A bill for an act to amend or revise the Military Code.

By Twohy:

A bill providing for a State Insane Asylum and the location of the same.

By Woodson:

A bill to provide for the incorporation of mortgage and loan companies.

By Holter:

A bill to amend an act entitled an act to incorporate the City of Helena.

By Holter:

A bill to repeal an act entitled an act to establish a Territorial Board of Inspection for steam boilers for the licensing of engineers.

By Wallace:

A bill for an act providing for an examination of the work of the Code Commission.

By Monteath:

A bill for an act creating the office Inspector of Mines and Deputy.

By Higgins:

A bill for an act to compel railroads to fence rights of way.

By Beach:

A bill for an act relating to the assessment of mortgages and other property.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

By Missoula Delegation:

A bill for an act to create the County of Flathead.

By Poole:

A bill for an act concerning estrays.

By Poole:

A bill to amend Section 719, fifth division Compiled Statutes of Montana, relating to rights of way of railroads.

By Whaley:

A bill to amend Sec. 1831, fifth division Compiled Statutes of Montana, relating to Road Supervisor.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, February 28th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the title affixed to enrolled House Bill No. 23, is correct and corresponds with the title of the original bill. The title on back of original bill is abbreviated, as are the titles on a great many Senate bills which are transmitted to this body.

There is no change which the House can make that will remove the technicality stated in your communication of the 27th inst.

Yours Respectfully,
CHAS. Z. POND.

State of Montana,
House of Representatives,
Second Legislative Assembly.
Helena, Montana, 1891.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 168, Substitute H. B. No. 148, and Senate Bill No. 37, have passed the House and are herewith transmitted.

Chas. Z. Pond,
Chief Clerk.

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, Mar. 2, 1891.

Mr. President:

I am directed by the House to inform your honorable body that Senate Joint Memorial No. 3 and House Bill No. 135, have passed the House and are herewith transmitted.

Very Respectfully,
Chas. Z. Pond,
Chief Clerk.

S. B. No. 37 and S. J. M. No. 3 were ordered enrolled.

The following reports were received:

Mr. *President:*

Your Committee on Engrossment begs leave to report amendments to H. B. No. 95 correctly engrossed.

Thompson,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 10 correctly enrolled and herewith submit the same for your signature.

Becker,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Joint Mem. Mo. 7 correctly enrolled and herewith present the same for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. No. 10 and S. J. M. No. 7.

H. B. No. 168, for an act to prevent depredation upon the School, University and other lands of the State, was read first and second times and referred to the Committee on Public Lands.

H. B. No. 148, a bill for an act appropriating a certain sum of money for the relief of R. G. Humber, was read first and second times and referred to the Committee on Finance and Claims.

On motion of Hedges the rules were suspended and H. B. No. 135, a bill for an act to amend an act to incorporate the City of Helena, approved Feb. 22, 1881, and all acts amendatory thereto, was read first and second times by title and referred to the Committee on Counties, Towns and Municipal Corporations.

On motion of Hoffman the Senate resolved itself into a Committee of the Whole for the consideration of S. B's. Nos. 34 and 45.

Cardwell in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Goddard the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Power in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Hoffman the Secretary was instructed to return the communication from the House relating to introduction of Bills from Nos. 132 to 168, to the Speaker of the House with the request that the communication be corrected as requested by the Secretary so same can be properly filed.

The following reports were received:

Mr. President:

The Committee of the Whole, who have had under consideration S. B. No. 34, begs leave to report the same back with the accompanying amendments, and as so amended recommend that it do pass.

CARDWELL,
Chairman.

Mr. President;

The Committee of the Whole, having had under consideration Senate Bill No. 45, have instructed me to report the same back with amendments herewith accompanying and as so amended recommend that it do pass.

CARDWELL,
Chairman.

Mr. President:

The Committee of the Whole, who have had under consideration S. B. No. 66, begs leave to report the same back and recommend that it do pass.

J. W. POWER,
Chairman.

Mr. President:

The Committee of the Whole, who have had under consideration S. B. No. 33, begs leave to report the same back with the accompanying amendments, and as so amended recommend that it do pass.

J. W. POWER,
Chairman.

Mr. President:

Your Committee on Finance and Claims, having considered H. B. No. 99, beg leave to report it back and recommend that it do pass.

W. M. THORNTON,
Chairman.

The reports were adopted.

Senate Bills Nos. 34, 45, 66 and 33 were ordered engrossed.

H. B. No. 99 was placed on the General File.

On motion of Senator Gibson the Senate adjourned.

JNO. J. FALLON,
Secretary.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
Helena, Montana, March 3d, 1891.

Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the fifty-seventh day read and approved.

The following reports were received:

Mr. President:

Your Committee on Finance and Claims, having had under consideration House Bill No. 121, beg leave to report it back with the recommendation that it do pass.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bill No. 66 correctly engrossed.

THOMPSON,
Chairman.

H. B. No. 121 was placed on General File.

H. B. No. 43 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Redd, Thornton—12.

Noes—Thompson—1.

Absent—Buford, Hoffman—2

Title agreed to.

H. B. No. 48 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman. Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Buford--1.

Title agreed to.

H. B. No. 110 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 111 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hennessy, Hedges, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 95 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

S. B. No. 66 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

The following reports were received:

Mr. President:

A majority of your Commitee on Engrossment beg leave to report Senate Bill No. 34 correctly engrossed.

BUFORD,
BECKER.

Mr President:

Your Committee on Engrossment begs leave to report S. B. No. 45 correctly engrossed.

THOMPSON,
Chairman

S. B. No. 34 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell Gibson, Goddard, Hennessy, Hoffman, Matts, Redd, Thompson, Thornton—11.

Noes—Baylies, Hedges, Parberry, Power—4.

Title agreed to.

Senator Gibson gave notice that he would on to-morrow move a reconsideration by which S. B. No. 34 passed the Senate.

Hoffman moved that the rules be suspended, the vote by which S. B. No. 34 had passed, be reconsidered and the motion to reconsider be laid upon the table.

The motion failing to receive a two-thirds vote was declared lost by the following vote:

Ayes—Becker, Buford, Cardwell, Goddard, Hennessy, Hoffman, Matts, Redd, Thornton—9.

Noes—Baylies, Gibson, Hedges, Parberry, Power, Thompson—6.

S. B. No. 45 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Redd, Thornton.—11.

Noes—Baylies, Gibson, Power, Thompson—4.

Matts gave notice that he would on to-morrow move a reconsideration by which S. B. No. 45 passed.

Parberry also gave notice of a motion to reconsider.

Mr. President declared the notice of Senator Parberay out of order on the ground that one motion had already been given.

Hedges claimed the right to give notice of a motion to reconsider under a personal privilege.

Hoffman claimed the right to give notice of a motion to reconsider the vote by which S. B. No 34 passed under a personal privilege.

On motion of Buford the Senate resolved itself into a Committee of the Whole for the consideration of the General File

Hedges in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Thornton the Senate again resolved itself into a Committee of the Whole for the further consideration of the General File.

Parberry in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Thornton the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,

Helena, Montana, March 3d, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following H. B's. have passed the House, titles agreed to, and are herewith transmitted.

H. B. No. 97, a bill for an act to allow Armistead H. Mitchell and Chas. F. Mussigbrod interest upon their claim against the State of Montana for the care and maintenance of the insane.

H. B. No. 45, a bill for an act to define the mode and procedure in relation to right of way for ditches, flumes or canals for irrigating and other purposes.

H. B. No. 19, a bill for an act regulating State and County printing and providing penalties for violation of the same.

H. B. No. 132, a bill for an act to attach certain portions of the right of way of the Northern Pacific Railway Company and the Rocky Fork and Cooke City Railway to Yellowstone County, for purposes of taxes and for judicial purposes.

H. B. No. 119, a bill for an act for the selection and conveyance of School and University lands and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions and to pay the necessary expenses thereon.

H. B. No. 64, a bill for an act providing for the recording of all deeds, mortgages and other instruments in writing for the conveyance or incumbrance of real estate.

H. B. No. 5, a bill for an act concerning State Prison.

H. B. No. 73, a bill for an act appropriating money for the support of the Montana Library.

H. B. No. 87, a bill for an act to create the County of Teton, define its boundaries and provide for its organization and the election of officers thereof.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

The following reports were received:

Mr. President:

The Committee on Counties, Towns and Municipal Corporations have had House Bill No. 135 under consideration, and beg leave to report the same back, with the recommendation that it be concurred in.

GIBSON,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 10 and Senate Joint Memorial No. 7 presented to the Governor for his approval at 1:40 P. M., March 3d.

BECKER,
Chairman.

Mr. President:

The Committee on Judiciary, having had S. B. No. 64 under consideration, report the same back and recommend its passage.

MATTS,
Chairman.

H. B. No. 135 and S. B. No. 64 were placed upon the General File.

The following reports were received:

Mr. President:

The Committee of the Whole Senate has had under consideration Senate Bill No. 46, and Senate Bill No. 48, and has instructed me to report the same back with the further consideration of the same at the present time be postponed.

HEDGES.
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 99, have instructed me to report the same back, with a recommendation that it be concurred in.

WM. PARBERRY,
Chairman.

SENATE CHAMBER,

Mr. President:

The Committee of the Whole Senate has had under consideration Senate Bill No. 36, and without reaching any conclusion thereon, the Committee arose and the same is hereby returned to await the further pleasure of the Senate when acting in the Committee of the Whole.

HEDGES,
Chairman.

Mr. President:

The Committee of the Whole Senate has had under consideration House Bill No. 121 and has instructed me to report the same back with the recommendation that it be concurred in.

HEDGES,
Chairman.

Mr. President:

The Committee of the Whole to whom was referred Senate Bills Nos. 65, 67 and Substitute for Senate Bill No. 35, have instructed me to report said bill back with a recommendation to pass.

WM. PARBERRY,
Chairman,

S. B. Nos. 65, 67 and Sub. for S. B. No. 35 were ordered engrossed.

Senator Gibson introduced S. B. No. 68, a bill for an act to amend an act entitled an act to amend an act to enable cities and towns to incur indebtedness, which was read first and second times and referred to the Committee on Counties, Towns and Municipal Corporations.

On motion of Hennessy the rules were suspended and all bills now on file for first reading were ordered to be read first and second times by title.

H. B. No. 5, an act concerning state prisons, was read first and second times and referred to the Committee on Public Buildings, Hospitals, Prisons and Asylums.

H. B. No. 19, a bill for an act regulating State and County printing and providing penalties for violation of the same, and H. B. No. 97, a bill for an act to allow Armistead H. Mitchell and Chas. F. Mussigbrod interest upon their claim against the State of Montana for the care and maintenance of the insane, were read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 45, a bill for an act entitled an act to define the mode of procedure in relation to the right of way for ditches, flumes or canals for irrigating and other purposes, was read first and second times and referred to the Committee on Irrigation and Water Rights.

H. B. No. 64, an act providing for the recording of all deeds, mortgages and other instruments in writing for the conveyance or incumbrance of real estate, and H. B. No. 73, an act appropriating money for the support of the Montana Library, were read first and second times and referred to the Committee on Judiciary.

H. B. No. 87, a bill for an act to create the County of Teton, to define its boundaries and provide for its organization and the election of officers thereof, was read first and second times and referred to the Committee on Counties, Towns and Municipal Corporations.

H. B. No. 119, an act to provide for the selection and conveyance of school and indemnity lands and of certain public lands donated to the State of Montana by the United States for various public buildings and institutions and to pay the necessary expenses thereof, was read first and second times and referred to the Committee on Public Lands.

H. B. No. 132—A bill for an act to attach certain portions of the right-of-way of the Northern Pacific Railroad Company and the Rocky Fork & Cooke City Railway Company to Yellowstone County, for purposes of taxation and for judicial purposes, was read first and second times and referred to the Committee on Corporations other than Municipal.

On motion of Hedges, the Senate resolved itself into a Committee of the Whole for consideration of the General File.

Becker in the chair.

Senate resumed.

Mr. President in the chair.

On motion of Goddard, the Senate took a recess for thirty minutes

Senate resumed.

Mr. President in the chair.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES.
SECOND LEGISLATIVE ASSEMBLY,

Helena, Montana, March 3, 1891.

Mr. President:

I am directed by the House to inform your honorable body that following bills have been introduced in the House, leave having been granted to introduce said bills:

By Toole:

H. B. No. 169—A bill for the relief of C. R. Reardon and others.

By Phillips:

H. B. No. 170—A bill for an act appropriating money for the payment of company and regimental band claims of the National Guard of Montana.

By Beach:

H. B. No. 171—A bill for an act to cover certain surplus moneys back into the State Treasury.

H. B. No. 172—A bill for an act authorizing the State Board of Prison Commissioners to contract for the maintenance and confinement of certain prisoners.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March 3, 1891.

Mr. President:

I am directed by the House to inform your honorable body that your communication in regard to technicalities in communication sent to your honorable body on the 2d inst., was tabled.

Yours respectfully,
CHAS. Z. POND,
Chief Clerk

The following reports were received:

Mr. President:

The Committee on Public Lands has had under consideration H. B. No. 168, an act to prevent depredations upon the school, university and other lands of the State, beg leave to report the same back with the recommendation that it do pass.

HOFFMAN,
Chairman.

Mr. President:

The Committee on Public Lands have had under consideration H. B. No. 119, beg leave to report the same back with the recommendation that it do pass.

HOFFMAN,
Chairman.

Mr. President:

Your Committee on Corporations other than Municipal, to whom has been referred H. B. 132, have had the same under consideration and return the bill herewith with the recommendation that it do pass.

D. J. HENNESSY,
Chairman.

Helena, Montana, March, 3, 1891.

Mr. President:

Your Committee on Counties, Towns, and Municipal Corporations, having had Senate Bill No. 68, under consideration, beg leave to report the same back with the recommendation that it do pass.

GIBSON,
Chairman.

Mr. President:

Your Committee on Finance and Claims having considered House Bill No. 97 and Sub. for H. B. No. 148, beg leave to report them back with the recommendation that they do pass.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Engrossment begs leave to report S. B. No. 33 correctly engrossed.

THOMPSON,
Chairman.

H. B. Nos. 168, 119, 132, 97 and Substitute No. 148 were placed on the General File.

S. B. No. 68 was ordered printed.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 37 and Senate Joint Mem. No. 3 correctly enrolled and herewith submit them to you for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. J. M. No. 3 and S. B. No. 37.

The following reports were received.

Mr. President:

The Committee of the Whole having had under consideration House Bill No. 82, have instructed me to report the same back with a recommendation that its further consideration be indefinitely postponed.

BECKER,
Chairman.

On motion of Hedges H. B. No. 82 was indefinitely postponed.

The following report was received:

Mr. President:

The Committee on Judiciary, to whom was referred S. B. No. 44, with the accompanying House amendments, have had the same under consideration and recommend that the Senate concur in the House amendments.

MATTS,
Chairman.

On motion the report was adopted and S. B. No. 44 was ordered enrolled.

On motion of Hedges the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Redd in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

THE STATE OF MONTANA,
EXECUTIVE OFFICE.
Helena, Mont., March 3d, 1891.

To the Senate:

I have approved the following bill:

Senate Bill No. 14, an act to create the office of Marshal of the Supreme Court; to provide for his appointment; to define his duties and to fix his compensation.

JOS. K. TOOLE,
Governor.

S. B. No. 33 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hennessy, Hoffman, Matts, Power—10.

Noes—Parberry, Redd, Thompson, Thornton—4.

Absent—Hedges—1.

Title agreed to.

H. B. No. 99 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Gibson, Hedges—2.

Title agreed to.

H. B. No. 121 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Hedges the Senate took a recess until 8 o'clock P. M.

8 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

The following communication was received,

State of Montana,
House of Representatives,
Second Legislative Assembly.

Helena, Montana, March, 3, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bills have passed the House, titles agreed to.

H. B. No. 137—An act to allow the Journal Publishing Co. interest upon their claim against the State of Montana.

H. B. No. 141—An act to provide for the payment of all claims against the State approved by the State Board of Examiners and reported to the Second Legislative Assembly.

H. B. No. 11—A bill for an act concerning compensation of District and Township officers.

Very Respectfully,
Chas. Z. Pond,
Chief Clerk.

The following reports were received:

Mr. President:

The Committee of the Whole, having had under consideration House Bills No. 97, No. 132, No. 119, and No. 168, have instructed me to report said bills back to the Senate with a recommendation that they be concurred in.

R. G. Redd,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred substitute for House Bill No. 148, have instructed me to report the same back with amendments and recommend that as so amended it be concurred in.

R. G. Redd,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred Senate Bill No. 64, have instructed me to report the same back with a recommendation that its further considerationin be definitely postponed.

R. G. REDD,

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 135, have instructed me to report said bill back to the Senate with an amendment and to recommend that as so amended it be concurred in.

R. G. REDD,
Chairman.

The amendments to H. B. No. 148 were adopted and the amendments were ordered engrossed.

On motion of Hedges S. B. No. 64 was indefinitely postponed.

On motion of Hedges the amendment reported to H. B. No. 135 was adopted; the rules were suspended; the bill was considered engrossed, and the bill was placed on the Calendar for a third reading.

The following reports were received:

Mr. President:

Your Committee on Engrossment begs leave to report Senate Bills Nos. 65 and 67 and Substitute for S. B. No. 35, correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

Your Committee on Judiciary have had under consideration House Bill No. 44, and report the same back with the recommendation that it be concurred in.

MATTS,
Chairman.

Mr. President:

The Committee on Irrigation and Water Rights have considered H. B. No. 15 and report the same back without recommendation.

WM. PARBERRY,
Chairman.

H. B. Nos. 15 and 44 were placed on the General File.

H. B. No. 11, an act concerning compensation of County, District and Township officers, was read first and second times and referred to the Committee on Counties, Towns and Municipal Corporations.

H. B. No. 141, a bill for an act to provide for the payment of all claims against the State approved by the State Board of Examiners and reported to the Second Legislative Assembly, was read a first and second times and referred to the Committee on Finance and Claims.

H. B. No. 137—An act to allow the Journal Publishing Company interest upon their claims against the State of Montana for the public printing and supplies furnished, was read first and second times and referred to the Committee on Finance and Claims.

S. B. No. 35 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

S. B. No. 65 was read a third time and passed by the following vote.

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 135 was under supervision of the rules read a third time by title and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—Becker—1.

Title agreed to.

H. B. No. 168 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 132 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Gibson—1.

Title agreed to.

H. B. No. 97 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessy, Hoffman Matts, Parberry, Power Redd, Thompson, Thornton—14.

Noes—0.

Absent—Gibson—1.

Title agreed to.

H. B. No. 119 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Gibson—1.

Title agreed to.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,

Helena, Montana, March 3d, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bills have passed the House, title agreed to, and herewith transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. Nos. 32, 29, 47, 22, 31, 39, 13, 9, 16, 21, 18, and S. J. M. No. 2, and H. B. No. 50, accompanied the foregoing communication, and they were ordered enrolled.

On motion of Buford the Senate resolved itself into a Committee of the Whole for the consideration of General File.

Buford in the chair.

Senate resumed.

Mr. President in the chair.

The following reports were received:

Mr. President:

Your Committee on Engrossment beg leave to report amendments to H. B. No. 148 correctly engrossed.

THOMPSON,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 44 correctly enrolled and herewith submit the same for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. No. 44.

The following reports were received:

Mr. President:

The Committee of the Whole, to which was referred House Bill No. 15, have instructed me to report said bill back with the recommendation that it be re-referred to the Committee on Irrigation and Water Rights.

BUFORD,
Chairman.

Mr. President;

The Committee of the Whole, having had under consideration House Bill No. 44, have instructed me to report said bill back to the Senate with the recommendation that it be concurred in.

BUFORD,
Chairman.

H. B. No. 15 was, on motion, recommitted to the Committee on Irrigation and Water Rights.

On motion of Cardwell the Senate adjourned.

JNO. J. FALLON,
Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER,
Helena, Montana, March 4th, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of fifty-eighth day read, corrected and approved.

That portion of the Journal referring to the ordering of S. B. Nos. 18, 21, 16, Sub. 13 and Sub. 9, to be enrolled was ordered to be stricken therefrom.

Hoffman, in accordance with previous notice, moved that the vote by which S. B. No. 34 passed the Senate be reconsidered and that the motion to reconsider be laid upon the table.

Motion to lay the motion to reconsider on the table, prevailed.

Matts, in accordance with previous notice, moved that the vote by which S. B. No. 45 passed the Senate be reconsidered and that the motion to reconsider be laid upon the table.

Motion to lay the motion to reconsider on the table prevailed.

House amendments to S. B. Nos. 9, 13, 21, 16 and 18 were concurred in and they were ordered enrolled.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Mar. 3, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bill was introduced in the House, leave being granted to introduce the same without previous notice:

H. B. No. 173—A bill for an act to amend an act entitled an act to amend an act to enable cities and towns to incur indebtedness.

Very respectfully,

CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 3d, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that the Governor has notified this House that he has approved the following bills.

H. B. No. 112—An act appropriating certain monies to pay for the care and keeping of State convicts.

H. B. No. 150—An act fixing the per diem of the officers and attaches of the House of Representatives of the Second Legislative Assembly of the State ot Montana.

H. B. No, 151—An act fixing the per diem of the officers and attaches of the Senate of the Second Legislative Assembly of the State of Montana.

H. B. 113—An act appropriating money for the relief of Jessie P. Stafford.

H. B. 114—An act appropriating money for the relief of A. P. Brown.

H. B. 120—An act appropriating money for the relief of A. C. Witter and others.

H. B. 72—An act appropriating money for the support of the National Guard.

H. B. 1—An act to create the office of additional Judge.

H. B. 76—An act to provide for the care, custody and maintenance of State Convicts.

H. B. 23—An act to repeal Sections 252, 253 and 254 of the Eourth Division of the Compiled Statutes of Montana, to-wit: the Criminal Code.

S. H. B. No. 2—An act relating to information in criminal cases.

H. B. No. 89—An act appropriating money to pay the salaries of the officers and members of the First Legislative Assembly of the State of Montana and the mileage of said members of said session.

Very respectfully,

Chas. Z. Pond,
Chief Clerk.

H. B. No. 9—An act fixing the fees of the Secretary of State.

H. B. No. 12—An act fixing the compensation for board of prisoners in county jails.

H. B. No. 14—An act defining the powers and prescribing the duties of additional Judges.

H· B. No. 62—An act to provide for the care and keeping of the insane.

H. B. No. 88—An act appropriating money for the benefit of the Montana Law Library.

H. B. No. 54—An act requiring railroad companies to pay for damages to stock.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, ,1891.

Mr. President:

I am directed by the House to inform your honorable body that the following Joint Resolution, No. 3, has passed the House and is herewith transmitted for the action of the Senate:

A joint resolution relating to the printing of laws pursuant to section sixteen hundred and thirty-one, fifth division, Compiled Statutes of Montana.

Be it resolved by the House of Representatives, the Senate concurring, that a joint committee, consisting of five members of the House and three members of the Senate, be appointed for the purpose of selecting and reporting to the Governor the President of the Senate and Speaker of the House, such laws enacted at this session of Legislature as, in the opinion of such committee, should be printed pursuant to the provisions of section 1631, fifth division Compiled Statutes of Montana, such committee to make its report on March 5th, 1891.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Mar. 4th, 1891.

Mr President:

I am directed by the House to inform your honorable body that Senate amendments to House Bill No. 135 have been concurred in.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

The following reports were received:

Mr. President:

The Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill No. 11, beg leave to report that they have considered the same and recommend that the Senate do concur.

GIBSON,
Chairman.

Mr. *President:*

Your Committee on Finance and Claims, having had under consideration House Bill No. 137. beg leave to report it back with the recommendation that it do pass.

W. M. THORNTON,
Chairman.

H. B. No. 50—A bill for an act to amend an act of the Legislative Assembly of the Territory of Montana, entitled an act to provide for the appointment of a commission to codify the criminal and civil laws and procedure and to revise, complete and arrange the Statute Laws of Montana, approved March 14th, 1889, was read first and second times and referred to the Committee on Judiciary.

Substitute for H. B. 148 was read a third time and passed by the following vote:

Ayes—Becker, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—11.

Noes—0.

Absent—Baylies, Buford, Cardwell, Gibson—4.

Title agreed to.

H. B. No. 44 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—12.

Noes—0.

Absent—Buford, Cardwell—2.

Excused—Gibson—1.

Title agreed to.

The following reports were received.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bills 22 and 29 correctly enrolled and herewith present them to you for your signature.

BECKER,
Chairman.

Mr. President:

Your Committee on Finance and Claims, having considered House Bill No. 19, beg leave to report it back without recommendation.

W. M. THORNTON,
Chairman.

Mr. President announced the signing of Senate Bills Nos. 22 and 29.

H. B. No. 19 was placed upon the General File.

The following communication was received:

STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, Mar. 3, 1891.

To the Senate:

On the —— day of February, 1890, I sent the nomination of William R. Bullard, of Madison County, to the Senate for appointment as a member of the State Board of Medical Examiners. No quorum appearing his nomination was not confirmed. I hereby renew said nomination and with the consent of the Senate appoint the said William R. Bullard, of Madison County, a member of said board.

JOS. K. TOOLE,
Governor.

On motion of Cardwell the nomination of William R. Bullard was confirmed.

The following resolution was on motion of Hennessy adopted

Resolved, That the Committee on Enrollment be and are hereby authorized to employ any extra clerical force that may be necessary to complete the work of said committee.

On motion of Hennessy the Senate resolved itself into a Committee of the Whole for the consideration of General File.

Hennessy in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following H. B. has passed the House, title agreed to, and is hereby transmitted:

H. B. No. 118—A bill for an act concerning revenue.

Very Respectfully,
CHAS. Z. POND.
Chief Clerk.

The following report was received:

Mr. President:

Your Committee on Judiciary, having had H. B. No. 73 under consideration, report the same back and recommend that it be concurred in.

MATTS,
Chairman.

H. B. No. 73 was placed upon the General File.

On motion of Thornton, S. B. No. 23 was made a special order for 8 P. M. to-day..

On motion of Parberry the Senate took a recess until 2 P. M.

2. P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

The following reports were received:

Mr. President:

Your Committee on Printing beg leave to report Senate Bill No. 68 correctly printed.

BECKER,
Chairman.

Mr. President:

Your Committee on Finance and Claims, having had under consideration H. B. No. 141, beg leave to report it back and recommend it do pass.

THORNTON,
Chairman.

S. B. No. 68 was placed upon the General File.

On motion of Thornton the rules were suspended and H. B. No. 141 was placed upon its final passage, and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hoffman, Matts, Parberry, Power, Thompson, Thornton.—12.

Noes—0.

Absent—Becker, Hennessy, Redd—3.

Title agreed to.

The following report was received:

Mr. President:

Your Committee on Public Buildings, Hospitals, Prisons and Asylums, having had under consideration H. B. No. 5, beg leave to report it back without recommendation.

THORNTON,
Chairman.

Substitute for H. B. No. 5 was placed upon the General File.

On motion of Hennessy, the rules were suspended, H. B. No. 118 was read first and second times by title and referred to the Committee on Finance and Claims.

On motion of Gibson, the rules were suspended and S. B. No. 68 was placed on General Orders to be considered to-day.

On motion of Thornton, substitute for H. B. No. 5 was made a special order for 8 P. M. to-day.

On motion of Buford, S. B. Nos. 46 and 48 were indefinitely postponed.

On motion of Parberry, S. B. No. 36 was indefinitely postponed.

On motion of Buford, the Senate resolved itself into a Committee of the Whole for the consideration of General File.

Buford in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr President:

Your Commiftee on Finance and Claims, having considered House Bill No. 118, beg leave to report it back with the recommendation that it do pass.

W. M. THORNTON,
Chairman.

H. B. No. 118 was placed upon the General File.

The following reports were received:

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 137, have instructed me to report said bill back, with a recommendation that it be concurred in.

D. J. HENNESSY,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bills Nos. 11 and 19, have instructed me to report them back to the Senate, with a recommendation that their further consideration be postponed until the afternoon session of the Senate.

D. J. HENNESSY,
Chairman.

H. B. No. 137 was read a third time and passed by the following vote:

Ayes—Becker, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Baylies, Buford—2.

Title agreed to.

The following reports were received:

Mr President:

The Committee of the Whole, having had under consideration Senate Bill No. 68, have instructed me to report the same back to the Senate with a recommendation that it do pass.

BUFORD,
Chairman.

Mr. President:

The Committee of the Whole, having had under consideration House Bill No. 73, have instructed me to report said bill back with a recommendation that it be concurred in as amended.

BUFORD,
Chairman.

S. B. No. 68 and the amendments to H. B 73 as adopted by the Senate were ordered engrossed.

On motion of Hedges the Senate resolved itself into the Committee of the Whole for the consideration of H. B, No. 118.

Gibson in the chair.

Senate resumed.

Mr. President in the chair.

Mr. President announced the signing of H. B. Nos. 44, 132, substitute to 148, 119, 168, 97, 121, 48, 99, 43, 111, 110 and 95.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bills Nos. 16, 21, 31, 39 and 47, and Substitute Senate Bills Nos. 9 and 13, and Senate Con. Res. No. 2 correctly enrolled and herewith present them to you for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. Nos. 16, 21, 31, 39 and 47. and Substitutes for S. B. Nos. 9 and 13, and S. C. R. No. 2.

The Senate again resolved itself into a Committee of the Whole for the further consideration of H. B. No. 118.

Gibson in the chair.

Senate resumed.

Mr. President in the chair.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.

Helena, Montana, March, 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 57 has passed the House and is herewith transmitted.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bill has passed the House, title agreed to: H. B. No. 33.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bills have passed the House, title agreed to, and are herewith transmitted:

S. B. No. 17, with amendments herewith attached.

S. B. No. 25.

H. B. No. 47.

H. B. No. 160.

H. B. No. 162.

H. B. No. 56.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. Nos. 57 and 25 were ordered enrolled.

The House amendments to S. B. No. 17 were concurred in and the bill was ordered enrolled.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report the amendments to H. B. No. 73 correctly engrossed.

THOMPSON,
Chairman.

The following communication was received:

THE STATE OF MONTANA,
EXECUTIVE OFFICE.
Helena, Mont., March 4, 1891.

To the Senate:

I hereby nominate, and, with the consent of the Senate, appoint Frank K. Armstrong, of Gallatin County, Judge of the Ninth Judicial District of the State of Montana, to hold until his successor is elected and qualified.

JOS. K. TOOLE,
Governor.

On motion of Cardwell the Senate, in open session, confirmed the nomination of Frank K. Armstrong, of Gallatin County, to be Judge of the Ninth Judicial District of the State of Montana, by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker—1.

The following message was received from the Governor:

THE STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, March 4th, 1891.

To the Senate:

I return herewith my approval and with my objections Senate bill No. 10. An act to amend sections 446, 460, 467, 468, 472 of Chapter 25, Fifth division general laws of Monntata relating to corporations for industrial or productive purposes.

The purpose of this bill appears to be to confer the benefits and priviliges of the incorporation act upon mercantile establishments, and to extend the time of incorporations to fifty years.

The custom of forming private corporations for the purpose of engaging in undertakings which are proper subjects for individual enterprise has existed for such a length of time that it has come to be regarded by many persons as competent under existing law, and while in my opinion such a construction is a perversion of the spirit of the law, I have heretofore treated it as permissable and in inveighing against it scarcely a month ago used this language in addressing the legislative assembly.

The organization of corporations to carry on large enterprises has become a necessity in this and other states; the development of our resources and the carrying forward of projects for the public good in many instances are of such magnitude and require the outlay of such large sums of money that private capital cannot be induced to embark in them. The law should provide for the incorporation of such, but I condemn as bad legislation the existing statute, inherited from the territory, which permits almost every character of business and industry to become the subject of an incorporation, whereby the liability of the stockholders is limited, No one but a creditor is entitled to see the books of the incorporation and hence a person dealing with such concern in the first instance is at a disadvantage.

These remarks were directed against the propriety of permitting the very concerns, mercantile establishments, which this bill proposes to become the subject of an incorporation. If under the present law mercantile business may not be incorporated I certainly cannot, in view of the opinion then and now entertained approve the passage of a law which expressly creates the evil complained of.

Corporations are created to serve good purposes and in many instances perform offices of public benefits and necessity that individuals would not or could not accomplish and if such are not already provided for they should be. It is not intended however that corporations should usurp or supplant the functions of a citizen or relieve him of personal responsibility in the ordinary avocations of life. Nor is it promotive of the common weal that they should. Public policy and expediency will not sanction it. If I were to set out deliberately to promote the formation of trusts and combinations in the necessaries of life by controlling the prices of such commodities the first step taken in that direction would be to authorize mercantile establishments to incorporate. We are building for the future and it will not be prudent for us to be unmindful of the fact that there is danger in the centralizing tendencies of business and in the growth of monopolies and trusts which fortify themselves by the aggregation of capital and by other influences permeating all branches of trade and classes of society. Unchecked by any feeling of individual responsibility, moved solely by a love of gain, unfettered by the duties of citizenship, they are enabled to perpetuate themselves by the adoption of methods and the use of agents which often scruple at no means to accamplish their ends. The result is the crowding out of healthy competition and the survival of the strongest, which under this process, is by no means the fittest. This result blunts the sensibilities of the citizen, builds up and fosters classes among the people and undermines the fundamental principles upon which the governmental fabric is based.

If the right to incorporate business enterprises to the extent proposed by this bill for merchantile and other pursuits are carried into the field of agriculture the result will be that large bodies of land will be owned by incorporated companies and tilled by tenantry.

The ownership would not then be vested in him who cultivated the land; the home, if preserved, would be less dear to him who occupied it; the best incentive to good citizenship would thereby be eradicated and patriotism would be subdued if not extinguished.

And again the effect of section 3 will be to put it in the power of those holding two thirds of the stock of an existing incorporation to continue the corporation thirty years beyond the time of the original corporation against the consent of the other stockholders who may have sufficient reasons for winding up the affairs of the concern at the time when it would have expired by operation of law. It is but fair to presume that the stockholders have embarked in such enterprises with reference to the law as it existed at the time of the incorporation, namely that it should continue for a period not exceeding twenty years and the least of these should not be precipitated by the law into thirty years more of corporate control against his consent. Indeed this cannot be done without violating the plain constitutional provision against impairing the obligation of a contract.

The principle is elemental and the authorities are numerous to the effect that, a state cannot in any manner alter the mutual relationship among the members of a corporation or their relative rights and duties as established by their voluntary agreement when the company was formed. Thus, a law purporting to authorize the majority to extend or alter the business of a corporation against the will of a minority would be unconstitutional although it contained a grant of new franchises to the corporators and no existing franchises be thereby impaired.

Morawetz on Private Corporations, Sec. 1059 and cases cited.

The present bill not only authorizes an entire change in the business upon a two-thirds vote of the shareholders but extends the time against the consent of the minority. This cannot be done without the unanimous consent of stockholders. Morawetz on private corporations, section 1060, 1083, 1047 and 645.

"It is evident that a State may authorize a corporation to alter its original enterprise, and exercise new franchises to any extent without impairing any contract between the State and the corporators or the agreement among the corporators themselves. The effect of such a law is merely permissive; it enables the corporation to exercise new powers without breach of the law, but it takes no existing power, and effect no existing right. Whether the new franchises shall be exercised would depend wholly upon the corporation itself. Neither the majority of the shareholders nor any of the agents of the company would be entitled to exercise these franchises *unless authorized to do so, either through the original charter contract, or the subsequent unanimous consent of the shareholders.*" Sec. 1083 Supra.

But this appears to be of doubtful constitutionality in another point of view.

The constitution prohibits the granting of perpetuities except for charitable purposes.

If the Legislative Assembly can extend the term of a corporation now existing for thirty years, there is no reason why before the expiration of the charter thus extended another Legislative Assembly might not extend that for fifty years, and so on ad infinitum. It is due to the State and the minority stockholders that there should be a day of reckoning, and if the concern desires to continue business there is no reason why it cannot reorganize and pay into the treasury the fees for such privilege.

Jos. K. Toole,
Governor.

Mr. President announced the signing of Senate Bills Nos 18 and 32.

On motion of Redd, the Senate took a recess until 8 P. M.

8 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

The following communication was received,

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, March 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bills have passed the House. Titles agreed to:

S. B. No. 40 with amendments attached.
S. H. B. No. 84.
H. B. No. 164.
H. B. No. 163.
H. B. No. 129.

Very respectfully,
Chas. Z. Pond,
Chief Clerk

On motion of Goddard the Senate refused to concur in House amendments to S. B. No. 40 and respectfully ask the House to recede.

The following communication was received:

STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, March 4, 1891.

To the Senate:

I have approved the following bills:

Senate Bill No. 37—An act concerning the Historical Society and making an appropriation therefor.

Senate Bill No. 29—An act to declare the First Monday in September of each year a legal holiday and designated as Labor Day.

Senate Joint Memorial No. 7—Memorializing Congress to vote against the Conger Lard Bill.

Senate Bill No. 22—An act to create the Ninth Judicial District.

Senate Bill No. 44—An act to prescribe the duties and compensation of the officers and employes of each house of the Legislative Assembly of the State of Montana.

Senate Joint Memorial No. 3—Concerning General Gibbon.

Substitute for Senate Bill No. 9—An act to amend Sections 790, 795, 796 and 808, of Fifth Division Compiled Statutes.

Substitute for Senate Bill No. 13—An act to enable universities and colleges under patronage of religious bodies to organize and change their corporate name.

Senate Concurrent Resolution No. 2—For the removal of the mineral restrictions upon school lands and the extension of the term of leases.

Senate Bill No. 47—An act to create the Tenth Judicial District.

Senate Bill No. 39—An act to amend Section 144, Chapter 10, Fifth Division Compiled Statutes.

Senate Bill No. 16—Concerning obscene literature.

Senate Bill No. 21—Encouraging the production of sugar beets and the manufacture of sugar therefrom.

Senate Bill No. 41—An act authorizing the Treasurer to make transfer of funds.

Jos. K. Toole,
Governor.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report S. B. No. 68 correctly engrossed.

Thompson,
Chairman.

On motion of Hennessy, the vote by which S. B. No. 10 passed, was reconsidered.

The question being put: "Shall this bill pass, notwithstanding the objections of the Governor," the bill passed by the following vote:

Ayes—Becker, Goddard, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton—10.

Noes—Baylies, Buford, Cardwell, Gibson, Parberry—5.

The following reports were received:

Mr. President:

Your Committee on Enrollment beg leave to report substitute for Senate Bills Nos. 9 and 13, Senate Concurrent Resolution No. 2, and Senate Bills Nos. 16, 21, 31, 39 and 47 presented to the Governor for his approval at 4 P. M., March 4th.

Becker,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bills Nos. 22, 29, 37 and 44, and Senate Joint Memorial No. 3

presented to the Governor for his approval at 11:50 A. M., March 4th.

BECKER,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bills Nos. 18 and 32 correctly enrolled, and herewith presented to you for your signature.

BECKER.
Chairman.

On motion of Thornton, S. B. No. 23 and substitute for H. B. No. 5 were made a special order for 11 A. M. to-morrow.

On motion of Buford, the rules were suspended and all House Bills now on file for first and second readings were ordered to be read by their titles.

H. B. No. 47—An act entitled an act regulating the mining of coal in the State of Montana, and for the protection of employes of coal mines, was read first and second times and referred to the Committee on Mines and Mining.

H. B. No. 56—A bill for an act to authorize married women to transact business in their own names as sole trader, was read first and second times and referred to the Committee on Judiciary.

H. B. No. 160—A bill for an act entitled an act to appropriate money to provide each prisoner discharged from the State Prison with a suit of clothing and the payment in cash provided by law, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 162—A bill for an act for the relief of the heirs of A. C. Witter, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 33—A bill for an act entitled an act for the protection of discharged employes and to prevent black listing, was read first and second times and referred to the Committee on Labor and Capital.

H. B. No. 84—A bill for an act entitled an act regulating the granting of pardons, commutations, respites and remissions and prescribing the functions and duties of the Board of Pardons, was read first and second times and referred to the Committee on Public Buildings, Hospitals and Asylums.

H. B. No. 164—A bill for an act to provide for the care of certain State property, was read first and second times and referred to the Committee on Public Buildings, Hospitals and Asylums.

H. B. No. 163—A bill for an act to appropriate money to pay the expense of caring for certain State property and insurance of the same, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 129—An act to amend Sections 608 and 614, first division Code of Civil Procedure, being title XV. of the Compiled Statutes of Montana of 1887, entitled of "Eminent Domain," was read first and second times and referred to the Committee on Judiciary.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 4th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following Bills have passed the House titles agreed to and are hereby transmitted.

S. B. No. 33 with amendments attached.

H. B. No. 124.

H. B. No. 105.

H. B. No. 75.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

H. B. No: 75, an act appropriating money to pay the salaries, office and traveling expenses of the boiler inspector and assistant boiler inspector, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 105, a bill for an act entitled an act to provide for bonding the outstanding indebtedness of the city of Helena and H. B. No. 124, a bill for an act entitled an act to create the office of county auditor, were read first and second times and referred to the Committee on Counties, Towns and Muncipal Corporations.

On motion of Goddard the Senate refused to concur in Senate amendments to S. B. No. 33 and respectfully ask the House to recede.

The following reports were received:

Mr. President:

Your Committee on Judiciary have had under consideration H. B. No. 50, and report the same back with the recommendation that it be concurred in.

MATTS,
Chairman.

H. B. No. 50 was placed on the general file.

On motion of Goddard the motion by which the Senate refused to concur in Senate amendments to S. B. No. 40 was reconsidered.

On motion of Senator Hennessy the House amendments to S. B. No. 40, were concurred in and the bill was ordered enrolled.

On motion of Buford the Senate resolved itself into a Committee of the Whole for the further consideration of H. B. No. 118.

Gibson in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 118, having had the same under consideration, have instructed me to report the same back with amendments and to recommend that as amended it do pass.

GIBSON,
Chairman.

The amendments to H. B. No. 118 were adopted and the amendments were ordered engrossed.

The following reports were received:

Mr. President:

Your Committee on Public Buildings, etc., having had under consideration House Bill No. 84, beg leave to report same back and recommend that same do pass.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Irrigation and Water Rights, to whom H. B. No. 15 was referred, beg leave to report that they have had the same under consideration and recommend that it do pass.

WM. PARBERRY,
Chairman.

H. B. Nos. 84 and 15 were placed upon the General Orders.

S. B. No. 68 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hoffman. Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Hennessy—1.

Title agreed to.

H. B. No. 73 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

The following report was received:

Mr. President:

Your Committee on Finance and Claims, having had under consideration House Bills Nos. 162 and 160, beg leave to report them back and recommend that they do pass.

W. M. THORNTON,
Chairman.

H. B. Nos. 162 and 160 were placed on the General File.

On motion of Buford the Senate resolved itself into a Committee of the Whole for the consideration of H. B. Nos. 11 and 19.

Buford in the chair.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr. President:

The Committee of the Whole, having had under consideration House Bill No. 11, have instructed me to report said bill back to the Senate with an amendment and to recommend that as so amended it do pass.

BUFORD,
Chairman.

The amendments to H. B. No. 11 were adopted and they were ordered engrossed.

The following reports were received:

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, March 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bills Nos. 34 and 35 have been laid on the table.

Yours respectfully,
Chas. Z. Pond,
Chief Clerk.

State of Montana,
House of Representatives.
Second Legislative Assembly,
Helena, Montana, March 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the Senate amendments to House Bill No. 73, have been concurred in by the House.

Chas. Z. Pond,
Chief Clerk.

State of Montana,
House of Representatives,
Second Legislative Assembly.
Helena, Montana, March 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the following bills have passed the House, titles agreed to

H. B. No. 130.

H. B. No. 169.

Very Respectfully,
Chas. Z. Pond,
Chief Clerk.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report amendments to H. B. No. 118 correctly engrossed.

THOMPSON,
Chairman.

On motion of Hedges, the rules were suspended and H. B. No. 118 was read a third time by title and passed by the following vote:

Ayes—Buford, Becker, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton—12.

Noes—Buford—1.

Absent—Cardwell, Parberry—2.

Title agreed to.

H. B. No. 130—An act to appropriate money for the ordinary expenses of the State Government for the fiscal years ending December 31, A. D. 1891 and December 31, A. D. 1892, was read first and second times and referred to the Committee on Finance and Claims.

H. B. No. 169—An act providing money for the relief of C. F. Reardon and others, was read first and second times and referred to the Committee on Finance and Claims.

On motion of Thornton, the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Baylies in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Mar. 4th, 1891.

Mr President:

I am directed by the House to inform your honorable body that there was an error in communication last sent Senate in regard to S. B. laid upon the table it should Nos. 34 and 45.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

H. J. R. No. 5 was read first and second times, rules suspended, read third time, and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell Gibson, Goddard, Hedges, Hennessy, Matts, Power, Redd, Thompson, Thornton —13.

Noes—0.

Absent—Hoffman, Parberry—2.

Title agreed to.

The following report was received:

Mr. President:

Your Committee on Engrossment begs leave to report amendments to H. B. No. 11 correctly engrossed.

THOMPSON,
Chairman

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 4th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that House Joint Resolution No. 5 and has passed the House and is herewith transmitted.

CHAS. Z. POND,
Chief Clerk.

The following report was received.

Mr. President:

The Committee of the Whole to whom was referred House bills Nos. 84. No. 162, No. 15, No. 160 and No. 50 and have instructed me to report said bills back with a recommendation that they be concurred in.

BAYLIES,
Chairman.

H. B. No. 11 was read a third time and passed by the following vote:

Ayes—Cardwell, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton,—9.

Noes—Baylies, Becker, Buford, Goddard, Parberry—5.

Absent—Gibson—1.

Title agreed to.

Sub. H. B. No. 84 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 162 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Hoffman—1.

Title agreed to.

The following reports were received:

Mr. President:

Your Committee on Finance and Claims, having considered House Bills No. 130 and 169, beg leave to report them back with recommendation that they do pass.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Finance and Claims, having considered House Bills Nos. 75 and 163, beg leave to report them back with recommendation that they do pass.

W. M. THORNTON,
Chairman.

Mr. President:

Your Committee on Public Buildings, etc., having considered H. B. No. 164, beg leave to report it back with recommendation that it do pass.

W. M. THORNTON,
Chairman.

House Bills Nos. 130, 169, 75, 163 and 164 were placed upon the General File.

H. B. No. 160 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hennessy, Hedges, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 15 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 50 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Baylies, the rules were suspended, H. B. No. 75 was taken from the General File and placed on its final passage and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Thornton, the rules were suspended, H. B. No. 169 was taken from the General File and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

On motion of Senator Thornton the Senate adjourned.

JNO. J. FALLON,
Secretary.

SIXTIETH DAY.

SENATE CHAMBER,
Helena, Montana, March 5, 1891.

The Senate met at 10 A. M.

Mr. President in the chair.

Roll called—Quorum present.

Prayer by the Chaplain.

Journal of the fifty-ninth day was read and approved.

The following reports were received:

Mr President:

The Committee on Judiciary, having had under consideration H. B. No. 64, report the same back with the recommendation that it be not concurred in.

MATTS,
Chairman.

Mr. President:

Your Committee on Education, having considered House Bill No. 67, Substitute for House Bill No. 31, hereby report the same back with the recommendation that as the last thing attainable, it be concurred in.

HEDGES.
Chairman.

Mr. President:

Your Committee on Labor and Capital, to whom House Bill No. 33 was referred, report the same back with the recommendation that it do pass.

BAYLIES,
Chairman.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred H. B. No. 124, beg leave to report that they have had the same under consideration and recommend that it be not concurred in.

GIBSON,
Chairman.

Mr. President;

We, the undersigned, a majority of your Committee on Counties, Towns and Municipal Corporations, beg leave to report that we have considered House Bill No. 87 and herewith report the same back with the recommendation that it be not concurred in.

O. F, GODDARD,
CORNELIUS HEDGES,
W. M. THORNTON,

Mr. President:

The undersigned, a minority of the Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill No. 87, beg leave to report that they have had the same under consideration and recommend that it be concurred in.

GIBSON,
CARDWELL.

Mr President:

Your Committee on Counties, Towns and Municipal Corporations to whom was referred H. B. No. 105, beg leave to report that they have had the same under consideration and recommend that it be concurred in.

GIBSON,
Chairman.

Mr. President:

Your Committee on Irrigation and Water Rights, beg leave to report House bill No. 45 back, recommending its passage.

WM. PARBERY,
Chairman,

Mr. President:

We your Committee on Corporations other than Municipal to whom was referred H. B. No. 47 have had the same under consideration and return the bill herewith without recommendation.

D. J. HENNESSY,
Chairman.

H. B. Nos. 64, 67, 33, 124, 105 45 and 47 were placed upon the general file.

On motion of Thornton H. B. No. 87 was indefinitely postponed by the following vote:

Ayes—Becker, Goddard, Hedges, Hennessy, Hoffman, Matts, Redd, Thompson, Thornton—9.

Noes—Baylies,Cardwell, Gibson, Parberry, Power—5

Absent—Buford--1.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate bills 25, 40 and 57 correctly enrolled and I herewith submit them for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. bills No. 25, 40, and 57.

Hoffman moved that the vote by which H. B. No. 87 was indefinitely postponed be reconsidered and that the motion to reconsider be laid upon the table.

Motion prevailed and the motion to reconsider was laid upon the table.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March, 4, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that the Governor has notified this House that he has approved the following House bills:

S. H. B. No. 148.
H. B. No. 44.
H. B. No. 132.
H. B. No. 119.
H. B. No. 97.
H. B. No. 168.
H. B. No. 99.
H. B. No. 43.
H. B. No. 95.
H. B. No. 111.
H. B. No. 110.
H. B. No. 121.
H. B. No. 48.

Very respectfully,

CHAS. Z. POND,
Chief Clerk.

The following report was received:

Mr. President:

The Committee on Judiciary have had under consideration H. B. No. 129 and recommend that it be concurred in.

MATTS,
Chairman.

H. B. No. 129 was placed npon the General File.

On motion of Hedges the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Hedges in the chair.

Senate resumed.

Mr. President in the chair.

Parberry moved to adjourn.

Motion lost.

The following report was received.

Mr. President:

The Committee of the Whole, having had under consideration House Bills Nos. 45, 129, 105, 33, 67, 124, 130, and have instructed me to report said bills back with a recommendation that they be concurred in.

HEDGES,
Chairman.

Mr. President:

The Committee of the Whole having had under consideration House Bill No. 64, and have instructed me to report the same back with a recommendation that it be not concurred in.

HEDGES,
Chairman.

On motion of Hedges H. B. No. 64 was indefinitely postponed.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bills 18, 25, 32, 40 and 57 presented to the Governor for his approval at 11:35 A. M., March 5th.

BECKER,
Chairman.

On motion of Matts the rules were suspended and all bills now on the General File were read a third time by title and put upon their final passage.

H. B. No. 130 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 124 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—Hedges—1.

Title agreed to.

H. B. No. 67 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton.—14.

Noes—0.

Absent—Gibson—1.

Title agreed to.

H. B. No. 129 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 45 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 33 was read a third time and passed by the following vote.

Ayes—Baylies, Buford, Cardwell Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton—13.

Noes—Parberry—1.

Absent—Becker—1.

Title agreed to.

H. B. No. 105 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Becker, Hennessy—2.

Title agreed to.

On motion of Baylies the Senate took a recess until 2 P. M.

2 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

Journal to this hour read and approved.

The following report was received:

Mr. President:

The Committee on Apportionment and Representation, to whom was referred H. B. No. 3, beg leave to report the same back without recommendation.

HOFFMAN,
Chairman.

H. B. No. 3 was placed upon the General File.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the House has indefinitely postponed action on S. B. No. 68.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that Senate amendment to H. B. No. 11 has been concurred in, title agreed to.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the House has refused to pass S. B. No. 10 over veto of the Governor.

Very Respectfully,
CHAS. Z. POND.
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Mar. 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the House has refused to recede from amendments on H. B. No. 33 and the following committee on conference has been appointed, Messrs. Blakely, Loud, Hughes, and the House would ask respectfully that a like committee be appointed by the Senate.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

In conformity with the action of the House, the President appointed Senators Hoffman, Cardwell and Hennessy as a conference committee on the part of the Senate on S. B. No. 33.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to submit the names of Mr. Barnard Brown, Miss Agnes Roberts and Miss Nellie McDonald, employed as extra enrolling clerks on March 4th, in conformity with a resolution passed by the Senate authorizing the same.

BECKER,
Chairman.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that H. B. No. 161 was laid upon the table.

Yours Respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Mont., March 5, 1891.

I am directed by the House to inform your honorable body that S. B. No. 35 has passed the House, title agreed to.

H. B. No. 32 was placed upon final passage and lost.

Sub. for S. B. No. 35 was ordered enrolled.

The following reports were received:

Mr. President:

Your Committee on Counties, Town and Municipal Corporations, to whom was referred H. B. No. 91, beg leave to report the same back without recommendation.

GIBSON,
Chairman.

H. B. No. 91 was placed upon the General File.

Mr. President:

The Committee on Judiciary have had under consideration H. B. No. 56, and recommend that it be concurred in.

MATTS,
Chairman.

H. B. No. 56 was placed upon the General File.

On motion of Baylies, Substitute for H. B. No. 5 and S. B. No. 23 was indefinitely postponed.

On motion of Hedges, the Senate resolved itself into a Committee of the Whole for the consideration of the General File.

Redd in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5th, 1891.

Mr. President:

I am directed by the House to inform your honorable body that S. H. B. No. 53 has passed the House, title agreed to.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Hennessy, H. B. No. 53 was returned to the House and respectfully ask them to endorse a full and complete history on said bill.

Senate again resolved itself into Committee of the Whole for the further consideration of General Orders.

Redd in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Mar. 5, 1891.

Mr. President:

I am directed by the Senate to inform your honorable body that the following bills have passed the House, title agreed to, and are herewith transmitted:

H. B. No. 170.

H. B. No. 173.

H. B. No. 128.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

H. B. No. 128, a act in relation to the exercise of the right of Eminent Domain by railroad corporations, was read first and second times and on motion of Goddard the rules were suspended and the bill was placed on its final passage and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 173—A bill for an act to amend an act entitled an act to amend an act to enable cities and town to incur indebtedness, was read first and second times and, on motion of Gibson, the rules were suspended and the bill was placed on its final passage and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 170—A bill for an act appropriating money for the payment of Officer, Company and Regimental Band claims of the National Guard of Montana, was read first and second times and placed on the General File.

The following reports were received:

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 3, have instructed me to report said bill back to the Senate with a recommendation that it be indefinitely postponed.

R. G. REDD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bill No. 91, have instructed me to report the same back with an amendment and to recommend as so amended it be concurred in.

R. G. REDD,
Chairman.

Mr. President:

The Committee of the Whole, to whom was referred House Bills Nos. 163 and 164, have instructed me to report said Bill back to the Senate with a recommendation that they be concurred in.

R. G. REDD,
Chairman.

Mr. President:

The Committee of the Whole having had under consideration House bill No. 47 have instruced me to report the same back with amendment and to recommend that as so amended it be concurred in.

R. G. REDD,
Chairman.

Mr. President:

The Committee of the Whole having considered House bill No. 56. have instructed me to report said bill back with amendment and that as so amended it be concurred in.

R. G. REDD,
Chairman.

On motion of Hoffman H. B. No. 3 was indefinitely postponed by the following vote:

Ayes—Baylies, Becker, Cardwell, Goddard, Hennessy, Hoffman, Parberry, Power, Redd, Thornton—10.

Noes—Gibson, Hedges, Matts, Thompson—4.

Absent—Bufford.—1.

Thornton moved that the vote by which H. B. No. 3 was laid upon the table be reconsidered and that the motion to reconsided be laid on the table.

The motion to lay the motion to reconsider on the table prevailed.

The amendments to H. B. Nos. 91, 47, and 56 were adopted and they were ordered engrossed.

On motion of Parberry the Senate took a recess for 15 minutes.

Senate resumed.

Mr. President in the chair.

Mr President announced the signing of H. B. Nos. 169, H. J. R. No. 5, H. bills Nos. 162, 50, 160, 75, 15, 141, 137, 73.

The following report was received:

Mr. President:

Your Committee on Engrossment beg leave to report amendments to House bills Nos. 47, 56 and 91 correctly engrossed.

THOMPSON,
Chairman.

H. B. No. 91 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 56 was read a third time and passed by the following vote.

Ayes—Baylies, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Parberry, Redd—9

Noes—Becker, Buford, Matts, Power, Thompson, Thornton —6.

Title agreed to.

H. B. No. 47 was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

The Committee on Military Affairs introduced S. C. R. No. 5, which was read first and second times, and on motion of Hoffman, the rules were suspended, read third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennesey, Hoffman, Matts. Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5th, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that the following bills have been passed by the House, titles agreed to:

S. B. No. 67.

H. B. No. 90.

S. H. B. No. 27.

H. B. No. 174.

Very respectfully,

CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5th, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that the following bills have passed the House and are herewith transmitted.

H. B. No. 59.

S. H. B. No. 53.

H. B. No. 171.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Hoffman, the Senate took a recess for ten minutes.

Senate resumed.

H. B. No. 53 was read first and second times, and on motion of Hedges, the rules were suspended the bill was read a third time, by title, and passed by the following vote:

Ayes—Baylies, Buford, Gibson, Goddard, Hedges, Matts, Parberry, Power, Redd, Thompson, Thornton—11.

Noes—Becker—1.

Absent—Cardwell, Hoffman, Hennessy—3.

Title agreed to.

H. B. No. 90—A bill for an act entitled an act to fill vacancies occurring in the Legislative Assembly, was read first and second times, and on motion of Hedges, the rules were suspended, the bill was read a third time by title and passed by the following vote:

Ayes—Baylies, Buford, Gibson, Goddard, Hedges, Matts, Parberry, Redd, Thompson, Thornton—11.

Noes—0.

Title agreed to.

The Committee on Finance and Claims, introduced S. B. No. 69, a bill for an act to cover deficiences in the appropriation made for the payment of the attaches, of the Senate and Charles M. Jefferis for services performed as Deputy Sergeant-at-Arms to the Senate of the First Legislative Assembly of Montana, which was read first and second times and referred to the Committee on Printing.

H. B. No. 59—A bill for an act entitled an act providing for the submission of the question of permanent location of government, was read first and second times, and on motion of Hedges the rules were suspended, the bill was read a third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 171—A bill for an act to cover certain surplus moneys, back into the State Treasury, was read first and second times, and on motion of Hoffman, the rules were suspended, the bill was read a third time by title and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

H. B. No. 170 was read a third time and passed by the following vote:

Ayes—Becker, Buford, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—13.

Noes—Baylies, Cardwell—2.

Title agreed to.

The following report was received:

Mr. President:

Your Committee on Printing, beg leave to report Senate Bill No. 69 correctly printed by typewriter.

BECKER,
Chairman.

On motion of Hedges, the rules were suspended, and S. B. No. 69 was read a third time, by title, and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

The following report was received:

Mr. President:

Your Committee on Conference, to consider the House amendments to S. B. No. 33, do recommend that the House recede from its amendments, and that the bill, as passed by the Senate do pass the House.

C. W. HOFFMAN,
ED. CARDWELL,
D. J. HENNESSY,
SILVEN HUGHES,
J. R. BARROWS,
A majority of your Committee.

On motion of Parberry, the Senate took a recess until 8 P. M

8 P. M.

Senate resumed.

Mr. President in the chair.

Roll called—quorum present.

Journal to this hour read and approved.

The following communications were received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, Mar. 5th, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that S. B. No. 11, as amended, has passed the House, and is herewith transmitted with amendments attached.

CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the House requests the return of H. B. No. 171 for the purpose of amendment.

Yours respectfully,
CHAS. Z. POND,
Chief Clerk.

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES.
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that S. C. R. No. 5 has passed the House, title agreed to. Also

S. B. No. 61, title agreed to.

H. B. No. 61, title agreed to.

H. B. No. 139, title agreed to.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

House amendments to S. B. No. 11 were concurred in and the same was ordered enrolled.

S. C. R. No. 5 and S. B. No. 61 were ordered enrolled.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bill No. 67 and Substitute for Senate Bill No. 35 correctly enrolled and herewith present them to you for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. Nos. 67 and 35.

H. B. No. 139, concerning licenses, was read first and second times, rules suspended, read third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Cardwell.

Title agreed to.

H. B. No. 61 was read first and second times, rules suspended, read third time by title and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker.

Title agreed to.

On motion of Cardwell the secretary was ordered to recall S. B. No. 18 from the Governor.

On motion of Cardwell the Senate took a recess for 10 minutes.

Senate resumed.

Mr. President in the chair.

H. B. No. 174 was read first and second times, rules suspended read third time by title and passed by the following vote:

Ayes.—Baylies, Buford, Gibson, Goddard, Hedges, Hennessy Hoffman, Matts, Power, Redd, Thompson, Thornton.—12.

Absent—Cardwell, Parberry.

Excused—Becker.

Titled agreed to.

The following communication was received.

STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, Montana, March 5, 1891.

To the Senate:

In compliance with your request I have the honor to return herewith Senate bill No. 18 entitled an act to amend an act entitled an act to provide for the payment of bounties for the killing of certain stock destroying animals approved February 20th, 1889.

JOS. K. TOOLE,
Governor.

H. B. No. 27 was read first and second times, rules suspended, read third time and passed by the following vote:

Ayes—Baylies, Becker, Buford, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Power, Redd, Thompson, Thornton—13.

Noes—0.

Absent—Cardwell, Parberry—2.

Title agreed to.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March 5, 1891.

Mr. President:

I have been instructed by the House to inform your honorable body that the House has passed S. B. No. 20 amended, and is herewith transmitted with amendments attached.

Very respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. No. 20, with House amendments thereto, were referred to the Committee on Immigration.

The following reports were received:

Mr President:

Your Committee on Enrollment beg leave to report Substitute Senate Bill No. 35 and Senate Bill No. 67 presented to the Governor for his approval at 8:45 P. M. on March 5.

BECKER,
Chairman.

Mr. President:

Your Committee on Enrollment beg leave to report Senate Concurrent Resolution No. 5 and Senate Bill No. 61, correctly enrolled and herewith submit the same for your signature.

BECKER.
Chairman.

Mr. President announced the signing of S. B. No. 61, S. C. R. No. 5.

On motion of Goddard the Senate resolved itself into a Committee of the Whole for the consideration of S. B. No. 18.

Goddard in the chair.

Senate resumed.

Mr. President in the chair.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that S. B. No. 69 has passed the House, title agreed to.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

S. B. No. 69 was ordered enrolled.

The following report was received:

Mr President:

Your Committee on Immigration herewith return Senate Bill No. 20, indicating for the guidance of the Enrolling Committee the section and line where the amendments apply.

BUFORD,
Chairman.

House amendments to. S. B. No. 20 were adopted and the the bill was ordered enrolled.

Mr. President announced the signing of House Bills Nos. 135, 11, substitute H. B. 84, House Bills Nos. 33, 91, 130, 128, 124, 173, 129, 105, 67, 45.

The following report was received:

Mr. President:

The Committee of the Whole have had under consideration Senate Bill No. 18 and have instructed me to report the same back with amendment, and as amended recommend it do pass.

O. F. GODDARD,
Chairman.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that H. J. R. No. 6, has passed the House title agreed to, and is herewith transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report Senate Bills Nos. 17 and 69 correctly enrolled and herewith submit the same for your signature.

BECKER,
Chairman.

Mr. President announced the signing of Senate Bills. Nos. 17 and 69.

H. J. R. No. 6 was read first and second times, rules suspended, read third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—14.

Noes—0.

Absent—Becker—1.

Title agreed to.

Pursuant to a provision of the constitution the Senate proceeded to elect a President *pro tem.*

Senator Hedges nominated Senator W. M. Thornton, as President *pro tem* of the Senate and the Secretary was instructed to cast the vote of the Senate for Senator Thornton.

The Journal up to this hour, 10:05, was read and approved.

On motion of Parberry the Senate took a recess for twenty minutes.

Senate resumed.

The following communication was received,

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY,
Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the House has concurred in the amendments of S. B. No. 18 and the same is herewith transmitted.

Very respectfully,
CHAS. Z. POND,
Chief Clerk

Journal to this hour, 10:35, was read and approved.

On motion of Baylies H. B. No. 19 was indefinitely postponed for further consideration.

H. B. No. 163 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Thompson, Thornton—13.

Noes—0.

Absent—Becker, Redd.

Title agreed to.

H. B. No. 164 was read a third time and passed by the following vote:

Ayes—Baylies, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton,—14.

Noes—0.

Absent—Becker—1.

Title agreed to.

Senator Hoffman was called to the chair.

The following resolution was offered by Senator Thornton.

Resolved, by the Senate of the Second Legislative Assembly of the State of Montana, that this body views with regret the approach of the hour which must sever the agreeable official relations existing between the Senate and its presiding officer, and that the thanks of the Senate are hereby tendered the Hon. J. E. Rickards for the able, impartial and dignified manner with which he has presided over its deliberations, as well as for the uniform courtesy and kindness which he has extended to its members, and a copy of this resolution be spread upon the Journal of the Senate.

On motion of Cardwell the resolution was unanimously adopted.

Hedges introduced the following resolution, which was adopted:

Be it resolved, as expressive of the grateful appreciation of the members of the Senate of the Second Legislative Assembly of the State of Montana of the considerate kindness of Mr. Chas. F. Ellis in placing at the disposal of the officers of this body the free use of the vault for the safe deposit of the records and papers in their custody and daily use.

Also to Messrs. John J. Fallon, our diligent and uniformly obliging Secretary, and Mr. David Marks, his indispensible Assistant, and to all the residue of those officers who have served us with uniform courtesy and fidelity, we desire that the evidence of our regard be expressed upon the Journal of the Senate.

Cornelius Hedges.
E. D. Matts.
O. F. Goddard.
Paris Gibson.
W. M. Thornton.
S. R. Buford.
J. W. Power.
W. D. Becker.
C. W. Baylies.
J. S. Thompson.
C. W. Hoffman.
Ed. Cardwell
Wm. Parberry.
D. J. Hennessy.
R. G. Redd.

On motion of Hedges the Senate took a recess for ten minutes.

Senate resumed.

Journal of this hour, 11:15, read and approved.

The following resolution was offered by Senator Goddard, which, on motion, was adopted:

Resolved, by the Senate, that we tender our hearty appreciation and thanks to Miles Finlan, Sergeant-at-Arms; H. Rosenzweig, Engrossing Clerk; Daniel Searles, Enrolling Clerk, and to the committee clerks for their valuable, prompt and efficient services rendered the Senate in their respective capacities, and for their courteous and respectful conduct toward the presiding officers and members of the Senate.

On motion of Thornton the doorkeeper, watchmen and pages were included in the foregoing resolution.

On motion of Hedges the Senate took a recess for fifteen minutes.

Senate resumed.

Mr. President in the chair.

The following report was received:

Mr. President:

Your Committee on Enrollment beg leave to report S. B. No. 20 correctly enrolled and the same is herewith presented for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. No. 20.

On motion of Goddard the chair appointed two committees of three each, one to wait upon the Governor and one to wait on the House.

The committee to wait on the Governor—Goddard, Thornton, and Gibson.

To wait on the House—Hennessy, Thompson, Hoffman.

On motion of Cardwell the Senate took a recess, to convene at the call of the President.

Senate resumed.

Mr. President in the chair.

The following report was received.

Mr. President:

Your Committee on Enrollment beg leave to report S. B. No. 11 correctly enrolled and the same is hereby presented for your signature.

BECKER,
Chairman.

Mr. President announced the signing of S. B. No. 11.

The following communication was received:

STATE OF MONTANA,
HOUSE OF REPRESENTATIVES,
SECOND LEGISLATIVE ASSEMBLY.

Helena, Montana, March 5, 1891.

Mr. President:

I am directed by the House to inform your honorable body that the House requests the Senate to remain in session until an appropriation bill now being proposed is transmitted.

Very Respectfully,
CHAS. Z. POND,
Chief Clerk.

On motion of Thornton the Senate took a recess subject to the call of the President.

Senate resumed.

Mr. President in the chair.

Mr. President announced the signing of H. B. No. 163, H. B. No. 118, H. B. No. 53, H. B. No. 61, Sub. H. B. No. 27, H. B. No. 139, H. B. No. 47, H. J. R. No. 6, H. B. No. 164, H. B. No. 59, H. B. No. 174, H. B. No 90, H. B, No. 170, H. B. No. 56, H. B. No. 171.

The following communication was received:

4

~~26~~
7

138842
5429-A
34C

State of Montana,
House of Representatives,
Second Legislative Assembly,
Helena, Montana, March 5th, 1891.

Mr. President:

I am directed by the House to inform your honorable body, that the following bill has been passed by the House, leave having been granted to introduce said bill without previous notice.

H. B. No. 175.

Very Respectfully,
Chas. Z. Pond,
Chief Clerk.

H. B. No. 175 was read a first and second times, rules suspended, read third time by title and passed by the following vote:

Ayes—Baylies, Becker, Buford, Cardwell, Gibson, Goddard, Hedges, Hennessy, Hoffman, Matts, Parberry, Power, Redd, Thompson, Thornton—15.

Noes—0.

Title agreed to.

Mr. President announced the signing of H. B. No. 175.

The Journal of the sixtieth day was read and approved.

The hour of 12 P. M. having arrived the President's gavel fell and he declared the Senate of the Second Legislative Assembly adjourned *sine die.*

Jno. J. Fallon,
Secretary.

We do hereby certify that the foregoing, commencing with Page 3 and ending with Page 242, both inclusive, is a true and correct account of the proceedings of the Senate of the Second Legislative Assembly, begun on the 5th day of January, A. D., 1891, and ending on the 5th day of March, A. D., 1891.

Attest:

J. E. Rickards,
President of the Senate.

Jno. J. Fallon,
Secretary.